THE GENERAL STATUTES OF NORTH CAROLINA

ANNOTATED

1994 CUMULATIVE SUPPLEMENT

Volume 20

Chapters 160 through 168A

Prepared under the Supervision of

The Department of Justice
of the State of North Carolina

BY

The Editorial Staff of the Publishers

Under the Direction of

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Annotated through 443 S.E.2d 468. For complete scope of annotations, see scope of volume page.

**Place Behind Supplement Tab in Binder Volume.
This Supersedes Previous Supplement, Which
May Be Retained for Reference Purposes.**

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Preface

This Cumulative Supplement to Volume 20 contains the general laws of a permanent nature enacted by the General Assembly through the 1993 (Reg. Sess., 1994) Session, which are within the scope of such volume, and brings to date the annotations included therein.

Amendments are inserted under the same section numbers appearing in the General Statutes, and new laws appear under the proper chapter headings.

Chapter analysis show all affected sections, except sections for which catchlines are carried for the purposes of notes only. An index to all statutes codified herein will appear in the Replacement Index Volumes.

A majority of the Session Laws are made effective upon ratification, but a few provide for stated effective dates. If the Session Law makes no provision for an effective date, the law becomes effective under G.S. 120-20 "from and after 30 days after the adjournment of the session" in which passed.

Beginning with the opinions issued by the North Carolina Attorney General on July 1, 1969, any opinion which construes a specific statute is cited as an annotation to that statute. For a copy of an opinion or of its headnotes write the Attorney General, P. O. Box 629, Raleigh, N.C. 27602.

The members of the North Carolina Bar are requested to communicate any defects they may find in the General Statutes or in this Cumulative Supplement and any suggestions they may have for improving the General Statutes, to the Department of Justice of the State of North Carolina, or to The Michie Company, Law Publishers, Charlottesville, Virginia.

User's Guide

In order to assist both the legal profession and the layperson in obtaining the maximum benefit from the North Carolina General Statutes, a User's Guide has been included in Volume 1. This guide contains comments and information on the many features found within the General Statutes intended to increase the usefulness of this set of laws to the user. See Volume 1 for the complete User's Guide.

Scope of Volume

Statutes:

Permanent portions of the General Laws enacted by the General Assembly through the 1993 (Reg. Sess., 1994) Session affecting Chapters 160 through 168A of the General Statutes.

Annotations:

Sources of the annotations to the General Statutes appearing in this volume are:

North Carolina Reports through Volume 336, p. 77.
North Carolina Court of Appeals Reports through Volume 114, p. 505.
South Eastern Reporter 2nd Series through Volume 443, p. 468.
Federal Reporter 3rd Series through Volume 21, p. 1127.
Federal Supplement through Volume 848, p. 212.
Federal Rules Decisions through Volume 154, p. 535.
Bankruptcy Reports through Volume 166, p. 498.
Supreme Court Reporter through Volume 114, p. 1877.
North Carolina Law Review through Volume 72, p. 1128.
Wake Forest Law Review through Volume 29, p. 646.
Campbell Law Review through Volume 16, p. 145.
Duke Law Journal through Volume 43, p. 1348.
North Carolina Central Law Journal through Volume 20, p. 229.
Opinions of the Attorney General.

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The General Statutes of North Carolina
1994 Cumulative Supplement

VOLUME 20

Chapter 160A.

Editor's Note. — The legislation and annotations affecting Chapter 160A have been included in a recently published replacement chapter.

Chapter 161.
Register of Deeds.

Article 1.

The Office.

Sec.
161-10. Uniform fees of registers of deeds.

Article 2.

The Duties.

Sec.
161-22. Index of registered instruments.
161-27. (Effective October 1, 1994 — See editor's note) Register of deeds failing to discharge duties; penalty.

ARTICLE 1.
The Office.

§ 161-10. Uniform fees of registers of deeds.

(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this section shall be deposited into the county general fund. In the performance of his duties, the register of deeds shall collect the following fees which shall be uniform throughout the State:

(1) Instruments in General. — For registering or filing any instrument for which no other provision is made by this section, whether written, printed, or typewritten, the fee shall be six dollars ($6.00) for the first page, which page shall not exceed 8½ inches by 14 inches, plus two dollars ($2.00), for each additional page or fraction thereof. A page exceeding 8½ inches by 14 inches shall be considered two pages.

When a document is presented for registration that consists of multiple instruments, the fee shall be ten dollars ($10.00) for each additional instrument. A document consists of multiple instruments when it contains two or more instruments with different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. — For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ten dollars ($10.00) for the first page, which page shall not exceed 8½ inches by 14 inches, plus two dollars ($2.00) for each additional page or fraction thereof. A page exceeding 8½ inches by 14 inches shall be considered two pages.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars ($10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee.

(2) Marriage Licenses. — For issuing a license forty dollars ($40.00); for issuing a delayed certificate with one certified copy five dollars ($5.00); and for a proceeding for correction of names in application, license or certificate, with one certified copy five dollars ($5.00).

(3) Plats. — For each original or revised plat recorded nineteen dollars ($19.00); for furnishing a certified copy of a plat three dollars ($3.00).

(4) Right-of-Way Plans. — For each original or amended plan and profile sheet recorded five dollars ($5.00). This fee is to be collected from the Board of Transportation.

(5) Registration of Birth Certificate One Year or More after Birth. — For preparation of necessary papers when birth to be registered in another county five dollars ($5.00); for registration when necessary papers prepared in another county, with one certified copy five dollars ($5.00); for preparation of necessary papers and registration in the same county, with one certified copy ten dollars ($10.00).

(6) Amendment of Birth or Death Record. — For preparation of amendment and affecting correction two dollars ($2.00).

(7) Legitimations. — For preparation of all documents concerned with legitimations seven dollars ($7.00).

(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. — For furnishing a certified copy of a death or birth certificate or marriage license three dollars ($3.00). Provided however, a Register of Deeds may issue without charge a certified Birth Certificate to any person over the age of 62 years.

(9) Certified Copies. — For furnishing a certified copy of an instrument for which no other provision is made by this section three dollars ($3.00) for the first page, plus one dollar ($1.00) for each additional page or fraction thereof.

(10) Comparing Copy for Certification. — For comparing and certifying a copy of any instrument filed for registration, when the copy is furnished by the party filing the instrument for registration and at the time of filing thereof two dollars ($2.00).

(11) Uncertified Copies. — When, as a convenience to the public, the register of deeds supplies uncertified copies of instruments, or index pages, he may charge fees that in his discretion bear a reasonable relation to the quality of copies supplied and the cost of purchasing and maintaining copying and/or computer equipment. These fees may be changed from time to time, but the amount of these fees shall at all times be prominently posted in his office.

(12) Notarial Acts. — For taking an acknowledgment, oath, or affirmation or performing any other notarial act the maximum fee set in G.S. 10A-10. This fee shall not be charged if the act is performed as a part of one of the services for which a fee is provided by this subsection; except that this fee shall be charged in addition to the fees for registering, filing, or recording instruments or plats as provided by subdivisions (1) and (3) of this subsection.

(13) Uniform Commercial Code. — Such fees as are provided for in Chapter 25, Article 9, Part 4, of the General Statutes.

(14) Torrens Registration. — Such fees as are provided in G.S. 43-5.

(15) Master Forms. — Such fees as are provided for instruments in general.

(16) Probate. — For certification of instruments for registration as provided in G.S. 47-14 two dollars ($2.00).

(17) Qualification of Notary Public. — For administering the oaths of office to a notary public and making the appropriate record entries as provided in G.S. 10A-8 five dollars ($5.00).

(18) Reinstatement of Articles of Incorporation. — For filing reinstatements of Articles of Incorporation prepared pursuant to G.S. 105-232; such fees as provided for instruments in general. The fee shall be paid by the corporation affected.

(b) The uniform fees set forth in this section are complete and exclusive and no other fees shall be charged by the register of deeds.

(c) These fees shall be collected in every case prior to filing, registration, recordation, certification or other service rendered by the register of deeds unless by law it is provided that the service shall be rendered without charge. (Code, ss. 710, 3109, 3751; 1887, c. 283; 1891, c. 324; 1897, cc. 27, 68; 1899, c. 17, s. 2; c. 247, s. 3; cc. 261, 302, 578, 723; 1901, c. 294; 1903, c. 792; 1905, cc. 226, 292, 319; Rev., s. 2776; 1911, c. 55, s. 3; C.S., s. 3906; 1967, c. 639, s. 4; c. 823, s. 33; 1969, c. 80, s. 1; c. 912, s. 3; 1973, c. 507, s. 5; c. 1317; 1975, c. 428; 1977, 2nd Sess., c. 1132; 1981, c. 968, ss. 1, 2; 1983, c. 894, ss. 2, 3; 1987, c. 792, ss. 2-5; 1989, c. 523, s. 1; 1991, c. 636, s. 18; c. 683, s. 3; c. 693, s. 1; 1991 (Reg. Sess., 1992), c. 1030, s. 49; 1993, c. 425, s. 1.)

Effect of Amendments. —

The 1991 (Reg. Sess., 1992) amendment, effective July 24, 1992, substituted "G.S. 10A-8" for "G.S. 10-2" in subdivision (a)(17).

The 1993 amendment, effective October 1, 1993, and applicable to fees collected and entries made on or after that date, in the first sentence of subdivision (a)(1), substituted "six dollars ($6.00)" for "five dollars ($5.00)"; added subdivision (a)(1a); and in subdivision (a)(16) substituted "two dollars ($2.00)" for "one dollar ($1.00)".

ARTICLE 2.

The Duties.

§ 161-22. Index of registered instruments.

(a) **(Effective October 1, 1994 — See editor's note)** The register of deeds shall provide and keep in her or his office full and complete alphabetical indexes of the names of the parties to all liens, grants, deeds, mortgages, bonds, and other instruments required or authorized to be registered, and such indexes shall state in full the names of all parties, whether grantors, grantees, vendors, vendees, obligors, or obligees. The full names of parties shall be entered in the indexes in accordance with the minimum indexing standards adopted pursuant to G.S. 147-54.3(b) and (b1). Reference shall be made, opposite each name, to the book and page or other location where the instrument is registered. All instruments shall be indexed on either the temporary or permanent index within 24 hours of registration. The register of deeds shall not be required to index an instrument that is part of a document containing multiple instruments, as defined in G.S. 161-10(a)(1), unless the title of that instrument is shown on the first page of the document and the additional registration fee is paid as required by G.S. 161-10(a)(1).

(b) In offices using the "Family" index system, the index entry shall show the name of each party under the appropriate family name and the initials of the party under the appropriate alphabetical arrangement of the index. In offices using indexing systems having subdivisions of the letters of the alphabet, a registered instrument shall be deemed properly registered only when it has been indexed under the correct subdivision of the appropriate letter of the alphabet.

(c) Instruments affecting real property shall be indexed in the appropriate real property indexes, and instruments affecting personal property shall be indexed in the appropriate personal property indexes. Instruments affecting both real and personal property shall be indexed in both the real and personal property indexes.

(d) Deeds of trust may be indexed in the names of the grantor and trustee only.

(e) Certificates filed for recording pursuant to G.S. 59-2, the Uniform Limited Partnership Act, shall be indexed only under the names of the partnership and each of the general partners. The register of deeds shall cause a statement to be affixed or printed on the index page of the book or books in which limited partnership agreements are filed that such documents are indexed only in the names of the partnership and of each of the general partners.

(f) The alphabetical indexes required by this section may be maintained in index books, on index cards, on film, or in computers or other automated data-processing machines. If the index is maintained in a computer or other automated data processing machine, the register of deeds shall, at least once each month, obtain from the computer or other automated data-processing machine a printed copy on paper or film, or a tape or disk, of all index entries made since the previous printed or filmed copy, or tape or disk, was obtained. These printed or filmed copies, tapes or disks, shall be retained as security copies and may not be altered or destroyed until a subsequent security copy is made containing the index entries from all previous security copies.

(g) **(Effective October 1, 1994 — See editor's note)** The register of deeds may adopt rules establishing indexing procedures and the format of the indexes. The rules shall be in conformity with the requirements of this section and of other applicable statutes. The rules may address such subjects, by way of example and not limitation, as the indexing of business firms, the indexing of names containing numerals, and the indexing of government agencies. The rules shall be posted in at least two prominent places in the register of deeds' office and shall also be placed near the index books or in user manuals in offices using automated indexing systems. From and after the effective date of such rules, a registered instrument shall be deemed properly registered only when it has been indexed according to the rules.

(h) No instrument shall be deemed registered until it has been indexed as provided in this section.

(i) **(Effective October 1, 1994 — See editor's note)** A violation of this section shall constitute a Class 1 misdemeanor. (1876-7, c. 93, s. 1; Code, s. 3664; 1899, c. 501; Rev., ss. 2665, 3600; C.S., s. 3561; 1929, c. 327, s. 2; 1967, cc. 443, 1262; 1973, c. 1136, ss. 1, 2; 1983, c. 127; c. 699, ss. 1, 3; 1989, c. 523, s. 2; 1993, c. 178, ss. 1, 2, 4, 5; c. 539, s. 1096; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. —

Session Laws 1993, c. 178, which amended this section, in s. 6 provides: "Index entries made pursuant to G.S. 161-22 prior to the effective date of Sections 1 and 2 of this act that omitted symbols, spaces, commas, hyphens, periods, dashes, or similar punctuation, or that omitted the word 'The' when it was the first word in the name of the party, or that placed the word 'The' at the end of the index entry rather than at the beginning when it was the first word in the name of a party, are hereby declared sufficient and valid."

Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — Session Laws 1993, c. 178, s. 1, effective June 17, 1993, in the first sentence of subsection (a), substituted "registered. Subject to any indexing rules adopted pursuant to subsection (g) of this section," for "registered, and".

Session Laws 1993, c. 178, s. 2, effective June 17, 1993, in subsection (g), rewrote the present second sentence, rewrote the present third sentence, and substituted "The" for "Such" at the outset to the present fourth sentence.

Session Laws 1993, c. 178, s. 4, effective January 1, 1995, in subsection (a), in the present first sentence, substituted "registered, and" for "registered. Subject to any indexing rules adopted pursuant to subsection (g) of this section," and added the present second sentence.

Session Laws 1993, c. 178, s. 5, effective January 1, 1995, rewrote the third sentence of subsection (g).

Session Laws 1993, c. 539, s. 1096, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 1" preceding "misdemeanor" in subsection (i). For applicability of this amendment, see the editor's note.

§ 161-22.3. Minimum standards for land records management.

Editor's Note. — Session Laws 1993, c. 178, s. 3, effective June 17, 1993, amending Session Laws 1991, c. 697, s. 3, provides that this section becomes effective January 1, 1995.

Session Laws 1993, c. 178, which amended § 161-22 and changed the effective date of this section, in s. 6 provides: "Index entries made pursuant to G.S. 161-22 prior to the effective date of Sections 1 and 2 of this act that omitted symbols, spaces, commas, hyphens, periods, dashes, or similar punctuation, or that omitted the word 'The' when it was the first word in the name of the party, or that placed the word 'The' at the end of the index entry rather than at the beginning when it was the first word in the name of a party, are hereby declared sufficient and valid."

§ 161-27. (Effective October 1, 1994 — See editor's note) Register of deeds failing to discharge duties; penalty.

If any register of deeds fails to perform any of the duties imposed or authorized by law, he shall be guilty of a Class 1 misdemeanor, and he shall be removed from office. (1868, c. 35, s. 18; Code, s. 3659; Rev., s. 3599; C.S., s. 3567; 1993, c. 539, s. 1097; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 1" preceding "misdemeanor" and deleted "besides other punishments at the discretion of the court".

Chapter 162.

Editor's Note. — The legislation and annotations affecting Chapter 162 have been included in a recently published replacement chapter.

Chapter 162A.

Water and Sewer Systems.

Article 1.

Water and Sewer Authorities.

Sec.
162A-6. Powers of authority generally.
162A-6.1. Privacy of employee personnel records.
162A-7. [Repealed.]
162A-9. Rates and charges; contracts for water or services; deposits; delinquent charges.

Article 5.

Metropolitan Sewerage Districts.

162A-68. Procedure for inclusion of additional political subdivision or unincorporated area; notice and hearing; elections; actions to set aside proceedings.

Article 6.

County Water and Sewer Districts.

162A-86. Formation of district; hearing.
162A-87. Creation of district; standards; limitation of actions.
162A-87.1A. Initial boundaries of district.
162A-87.2. Abolition of water and sewer districts.
162A-88.1. Contracts with private entities.

ARTICLE 1.

Water and Sewer Authorities.

§ 162A-1. Title.

CASE NOTES

Authority Could Discriminate Regarding Rates. — Water and Sewer Authority formed pursuant to this section was subject to the common-law rule that it could not charge rates that would constitute an unwarranted discrimination among the parties it was formed to serve; however, based on a substantial difference between the position of one county vis-a-vis the Authority and the position of the other members, the Authority had the right to charge a rate to that county different from the rate it charged other members. In re Lower Cape Fear Water & Sewer Auth., 329 N.C. 675, 407 S.E.2d 155 (1991).

§ 162A-6. Powers of authority generally.

Each authority created hereunder shall be deemed to be a public instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each such authority is, subject to the provisions of G.S. 162A-7, hereby authorized and empowered:

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal and alter the same at pleasure;

(3) To maintain an office at such place or places as it may designate;

(4) To sue and be sued in its own name, plead and be impleaded;

(5) To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and op-

erate any water system or part thereof or any sewer system or part thereof or any combination thereof within or without the participating political subdivisions or any thereof;

(6) To issue revenue bonds of the authority as hereinafter provided to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement or equipment;

(7) To issue revenue refunding bonds of the authority as hereinafter provided;

(8) To combine any water system and any sewer system as a single system for the purpose of operation and financing;

(9) To fix and revise from time to time and to collect rates, fees and other charges for the use of or for the services and facilities furnished by any system operated by the authority;

(10) To acquire in the name of the authority by gift, grant, purchase, devise, exchange, lease, acceptance of offers of dedication by plat, or any other lawful method, to the same extent and in the same manner as provided for cities and towns under the provisions of G.S. 160A-240.1 and G.S. 160A-374, or the exercise of the right of eminent domain in accordance with the General Statutes of North Carolina which may be applicable to the exercise of such powers by municipalities or counties, any lands or rights in land or water rights in connection therewith, and to acquire such personal property, as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement or operation of any water system or sewer system, and to hold and dispose of all real and personal property under its control; provided, that the taking of water from any stream or reservoir by any authority created under the provisions of this Article shall not vest in the taker any rights by prescription; provided, further, that nothing in this section shall affect rights by prescription, if any, now held by any municipality and which may be later transferred to any authority of which such municipality may become a member;

(11) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Article, including a trust agreement or trust agreements securing any revenue bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys, and such employees and agents as may, in the judgment of the authority be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Article;

(12) To enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any political subdivision, private corporation, copartnership, association or individual providing for the acquisition, construction, reconstruction, improvement, extension, enlargement, operation or maintenance of any water

system or sewer system or providing for or relating to the treatment and disposal of sewage or providing for or relating to any water system or the purchase or sale of water;

(13) To receive and accept from any federal, State or other public agency and any private agency, person or other entity, donations, loans, grants, aid or contributions of any money, property, labor or other things of value for any sewer system or water system, and to agree to apply and use the same in accordance with the terms and conditions under which the same are provided;

(14) To enter into contract with any political subdivision by which the authority shall assume the payment of the principal of and interest on indebtedness of such subdivision; and

(14a) To make special assessments against benefited property within the area served or to be served by the authority for the purpose of constructing, reconstructing, extending, or otherwise improving water systems or sanitary collection, treatment, and sewage disposal systems, in the same manner that a county may make special assessments under authority of Chapter 153A, Article 9, except that the language appearing in G.S. 153A-185 reading as follows: "A county may not assess property within a city pursuant to subdivision (1) or (2) of this section unless the governing board of the city has by resolution approved the project," shall not apply to assessments levied by Water and Sewer Authorities established pursuant to Chapter 162A, Article 1, of the General Statutes. For the purposes of this paragraph, references in Chapter 153A, Article 9, to the "county," the "board of county commissioners," "the board" or a specific county official or employee are deemed to refer, respectively, to the authority and to the official or employee of the authority who performs most nearly the same duties performed by the specified county official or employee.

Assessment rolls after being confirmed shall be filed for registration in the office of the Register of Deeds of the county in which the property being assessed is located, and the term "county tax collector" wherever used in G.S. 153A-195 and 153A-196, shall mean the Executive Director or other administrative officer designated by the authority to perform the functions described in said sections of the statute.

(14b) To provide for the defense of civil and criminal actions and payment of civil judgments against employees and officers or former employees and officers and members or former members of the governing body as authorized by G.S. 160A-167, as amended.

(14c) To adopt ordinances to regulate and control the discharge of sewage or stormwater into any sewerage system owned or operated by the authority and to adopt ordinances to regulate and control structural and natural stormwater and drainage systems of all types. Prior to the adoption of any such ordinance or any amendment to any such ordinance, the authority shall first pass a declaration of intent to adopt such ordinance or amendment. The declaration of intent shall describe the ordinance which it is proposed that the authority adopt. The declaration of intent shall be submitted to each governing body for review and comment. The authority shall consider any comment or suggestions offered by any governing body with respect to the proposed ordinance or amendment. Thereafter, the authority shall be authorized to adopt such ordinance or amendment to it at any time after 60 days following the submission of the declaration of intent to each governing body.

(15) To do all acts and things necessary or convenient to carry out the powers granted by this Article.

(16) To purchase real or personal property as provided by G.S. 160A-20, in addition to any other method allowed under this Article. (1955, c. 1195, s. 6; 1969, c. 850; 1971, c. 892, s. 1; 1979, c. 804; 1983, c. 525, s. 5; c. 820, s. 1; 1987 (Reg. Sess., 1988), c. 981, s. 2; 1989, c. 517; 1993 (Reg. Sess., 1994), c. 696, s. 8.1.)

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective July 6, 1994, in the first sentence of subdivision (14c), inserted "or stormwater" preceding "into any sewerage system," and inserted "and to adopt ordinances to regulate and control structural and natural stormwater and drainage systems of all types."

§ 162A-6.1. Privacy of employee personnel records.

(a) Notwithstanding the provisions of G.S. 132-6 or any other law concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by an authority are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the authority with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the authority.

(b) The following information with respect to each authority employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. The authority shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the authority may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in an authority employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

(1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

(2) A licensed physician designated in writing by the employee may examine the employee's medical record.

(3) An authority employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

(5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(7) The chief administrative officer, with concurrence of the authority, may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of an authority employee and the reasons for that personnel action. Before releasing the information, the chief administrative officer or authority shall determine in writing that the release is essential to maintaining public confidence in the administration of authority services or to maintaining the level and quality of authority services. This written determination shall be retained in the office of the chief administrative officer or the secretary of the authority, and is a record available for public inspection and shall become part of the employee's personnel file.

(d) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

(1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the authority's service, when disclosure

would compromise the objectivity or the fairness of the testing or examination process.

(2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

(3) Information that might identify an undercover law enforcement officer or a law enforcement informer.

(4) Notes, preliminary drafts, and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

(e) The authority may permit access, subject to limitations it may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that that person will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the authority as long as each personnel file examined is retained.

(f) An authority that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee, who objects to material in his file on grounds that it is inaccurate or misleading, may seek to have the material removed from the file or may place in the file a statement relating to the material.

(g) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 2 misdemeanor and is punishable only by a fine not to exceed five hundred dollars ($500.00).

(h) Any person not specifically authorized by this section to have access to a personnel file designated as confidential, who shall:

(1) Knowingly and willfully examine in its official filing place; or

(2) Remove or copy

any portion of a confidential personnel file shall be guilty of a Class 2 misdemeanor and is punishable only by a fine not to exceed five hundred dollars ($500.00). (1993, c. 505, s. 1; 1994, Ex. Sess., c. 14, ss. 69, 70.)

Editor's Note. — Session Laws 1993, c. 505, s. 2 makes this section effective October 1, 1993.

Session Laws 1993, c. 505, s. 2 originally enacted subsections (d) through (h) as subsections (c1) through (f). The subsections were redesignated at the direction of the Revisor of Statutes.

Session Laws 1994, Extra Session, c. 14, s. 73 provides: "Prosecutions for offenses committed before the effective date of this act [October 1, 1994] are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1994 Extra Session amendment, effective on the same date that Chapter 539 of the 1993 Session Laws becomes effective (October 1, 1994), and applicable to offenses occurring on or after that date, substituted "Class 2 misdemeanor and is punishable only by a fine not to exceed five hundred dollars ($500.00)" for "misdemeanor and upon conviction shall be fined an amount not more than five hundred dollars ($500.00)" in subsection (g); and substituted "Class 2 misdemeanor and is punishable only by a fine not to exceed five hundred dollars ($500.00)" for "misdemeanor and, upon conviction, shall be fined in the discretion of the court, but not in excess of five hundred dollars ($500.00)" in subsection (h).

§ 162A-7: Repealed by Session Laws 1993, c. 348, s. 6, effective January 1, 1994.

Cross References. — As to regulation of surface water transfers, see now § 143-215.22I.

§ 162A-9. Rates and charges; contracts for water or services; deposits; delinquent charges.

(a) An authority may establish and revise a schedule of rates, fees, and other charges for the use of and for the services furnished or to be furnished by any water system or sewer system or parts thereof owned or operated by the authority. The rates, fees, and charges established under this subsection are not subject to supervision or regulation by any bureau, board, commission, or other agency of the State or of any political subdivision.

Before an authority sets or revises rates, fees, or other charges for structural or natural stormwater and drainage system service, the authority shall hold a public hearing on the matter. At least seven days before the hearing, the authority shall publish notice of the public hearing in a newspaper having general circulation in the area. An authority may impose rates, fees, or other charges for stormwater and drainage system service on a person even though the person has not entered into a contract to receive the service.

Rates, fees, and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times:

(1) To pay the cost of maintaining, repairing, and operating the systems or parts thereof owned or operated by the authority, including reserves for such purposes, and including provision for the payment of principal of and interest on indebtedness of a political subdivision or of political subdivisions which payment shall have been assumed by the authority, and

(2) To pay the principal of and the interest on all bonds issued by the authority under the provisions of this Article as the same shall become due and payable and to provide reserves therefor.

The fees established under this subsection must be made applicable throughout the service area. Schedules of rates, fees, charges, and penalties for providing structural and natural stormwater and drainage system service may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of the runoff from the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges imposed under this subsection for stormwater and drainage system service may not exceed the authority's cost of providing a stormwater and drainage system.

No stormwater utility fee may be levied under this subsection whenever two or more units of local government operate separate structural and natural stormwater and drainage system services in the same area within a county. However, two or more units of local government may allocate among themselves the functions, duties, powers, and responsibilities for jointly operating a single structural and natural stormwater and drainage system service in the same area within a county, provided that only one unit may levy a fee for the service within the joint service area. For purposes of this subsection, a unit of local government shall include a regional authority providing structural and natural stormwater and drainage system services.

(b) Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or sale of water which shall not be subject to revision except in accordance with their terms.

(c) In order to insure the payment of such rates, fees and charges as the same shall become due and payable, the authority may do the following in addition to exercising any other remedies which it may have:

(1) Require reasonable advance deposits to be made with it to be subject to application to the payment of delinquent rates, fees and charges.

(2) At the expiration of 30 days after any rates, fees and charges become delinquent, discontinue supplying water or the services and facilities of any water system or sewer system of the authority.

(3) Specify the order in which partial payments are to be applied when a bill covers more than one service. (1955, c. 1195, s. 8; 1971, c. 892, s. 1; 1989 (Reg. Sess., 1990), c. 1004, s. 45; 1991, c. 591, s. 4; 1991 (Reg. Sess., 1992), c. 1007, s. 47.)

Effect of Amendments. —

The 1991 (Reg. Sess., 1992) amendment, effective July 21, 1992, in subsection (a), in the first paragraph, in the first sentence substituted "An authority may establish and revise a schedule of rates, fees, and" for "Each authority shall fix, and may revise from time to time, reasonable rates, fees and", and substituted "operated by the authority" for "operated by such authority", substituted "The rates, fees, and charges established under this subsection are not subject" for "Such rates, fees and charges shall not be subject" in the second sentence, in the next to the last paragraph substituted "The fees established under this subsection must" for "Fees established as provided in this subsection shall" in the first sentence, and substituted "subsection for stormwater and drainage system service" for "section" in the last sentence, and substituted "for the service" for "pursuant to this act" in the second sentence of the last paragraph.

ARTICLE 5.

Metropolitan Sewerage Districts.

§ 162A-68. Procedure for inclusion of additional political subdivision or unincorporated area; notice and hearing; elections; actions to set aside proceedings.

(a) If, at any time subsequent to the creation of a district, there shall be filed with the district board a resolution of the governing body of a political subdivision, or a petition, signed by not less than fifty-one per centum (51%) of the qualified voters resident within an unincorporated area, requesting inclusion in the district of such political subdivision or unincorporated area, and if the district board shall favor the inclusion in the district of such political subdivision or unincorporated area, the district board shall notify the board or boards of commissioners of the county or counties within which the district lies and shall file with the board or boards of commissioners and with the Environmental Management Commission a report setting forth the plans of the district for extending sewerage service to the political subdivision or unincorporated area. The report shall include:

(1) A map or maps of the district and adjacent territory showing the present and proposed boundaries of the district; the existing major sewer interceptors and outfalls; and the proposed extension of such interceptors and outfalls.

(2) A statement setting forth the plans of the district for extending sewerage services to the territory proposed to be included, which plans shall:

a. Provide for extending sewerage service to the territory included on substantially the same basis and in the same manner as such services are provided within the rest of the district prior to inclusion of the new territory.

b. Set forth a proposed time schedule for extending sewerage service to the territory proposed to be included.

c. Set forth the estimated cost of extending sewerage service to the territory proposed to be included; the method by which the district proposes to finance the extension; the outstanding existing indebtedness of the district, if any; and the valuation of assessable property within the district and within the territory proposed to be included.

d. Contain a declaration of intent of the district board to conform with the plans set forth in the report in extending sewerage services to the territory proposed to be included; and a certification by the chairman of the district board to the effect that the matters and things set forth in the report are true to his knowledge or belief.

(b) The board or boards of commissioners, through the chairmen thereof, shall thereupon request that a representative of the Environmental Management Commission hold a joint public meeting with the board or boards of commissioners concerning the inclusion of a political subdivision or an unincorporated area in the district. The chairman of the Environmental Management Commission and the chairman or chairmen of the board or boards of commissioners shall name a time and place within the district at which the public hearing shall be held. The chairman or chairmen of the board or boards of commissioners shall give prior notice of such hearing by posting a notice at the courthouse door of the county or counties at least 30 days prior to the hearing and also by publication at least once a week for four successive weeks in a newspaper having general circulation in the district and in any such political subdivision or unincorporated area, the first publication to be at least 30 days prior to such hearing. In the event all matters pertaining to the inclusion of such political subdivision or unincorporated area cannot be included at such hearing, such hearing may be continued to a time and place within the district determined by the board or boards of commissioners with the concurrence of the representative of the Environmental Management Commission.

(c) If, after such hearing, the Environmental Management Commission and the board or boards of commissioners shall determine that the inclusion of the political subdivision or unincorporated area in the district will preserve and promote the public health and welfare, the Environmental Management Commission shall adopt a resolution to that effect, defining the boundaries of the district, including the political subdivision or unincorporated area which has filed a resolution or petition as provided for in this section, and declaring such political subdivision or unincorporated area to be included in the district.

(d) If, at or prior to such public hearing, there shall be filed with the district board a petition, signed by not less than ten per centum (10%) of the qualified voters residing in the district, requesting an election to be held therein on the question of including the political subdivision or unincorporated area, the district board shall certify a copy of such petition to the board or boards of commissioners, and the board or boards of commissioners shall request the county board or boards of elections to submit such question to the qualified voters within the district in accordance with the applicable provisions of Chapter 163 of the General Statutes; provided, that the election shall not be held unless the Environmental Management Commission has adopted a resolution approving the inclusion of the political subdivision or unincorporated area in the district.

Notice of such election, which shall contain a statement of the boundaries of the territory proposed to be included in the district and the boundaries of the district after inclusion, shall be given by publication once a week for three successive weeks in a newspaper or newspapers having general circulation within the district, the first publication to be at least 30 days prior to the election.

(e) Notice of the resolution of the Environmental Management Commission, or in the event that an election pursuant to this section is held, notice of the results of the election, approving the inclusion of the political subdivision or unincorporated area within the district shall be published as provided in G.S. 162A-66.

(f) Any action or proceeding in any court to set aside a resolution of the Environmental Management Commission or an election approving the inclusion of a political subdivision or unincorporated area within a district or to obtain any other relief upon the ground that such resolution or election or any proceeding or action taken with respect to the inclusion of the political subdivision or unincorporated area within the district is invalid, must be commenced within 30 days after the first publication of the notice. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution or the election or the inclusion of the political subdivision or unincorporated area in the district shall be asserted, nor shall the validity of the resolution or the election or the inclusion of the political subdivision or unincorporated area be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

(g) Any political subdivision or unincorporated area included within an existing district by resolution of the Environmental Management Commission or by such resolution and election shall be subject to all debts of the district.

(h) The annexation by a city or town within a metropolitan sewerage district of an area lying outside such district shall not be construed as the inclusion within the district of an additional political subdivision or unincorporated area within the meaning of the provisions of this section; but any such areas so annexed shall become a part of the district and shall be subject to all debts thereof.

(i) Immediately following the inclusion of any additional political subdivision within an existing district, members representing such additional political subdivision shall be appointed to the district board in the manner provided in G.S. 162A-67. Any additional unincorporated area that is included within an existing district shall be represented by the members representing the county in which the unincorporated area lies except that:

(1) If inclusion of the additional unincorporated area extends the district into more than one county, members representing the unincorporated area in the new county shall be appointed in accordance with G.S. 162A-67(a)(2) immediately following the inclusion of the additional area.

(2) If the inclusion of the additional unincorporated area has the effect of changing the county in which the largest portion of the district lies, new members representing the county comprising the larger portion of the district shall be appointed in accordance with G.S. 162A-67(a)(2) immediately following the inclusion, and no reappointment shall be made by the county in which the lesser portion of the district lies upon expiration of the first term of a member representing that county following the inclusion.

The terms of office of the members first appointed to represent such additional subdivision or area may be varied for a period not to exceed six months from the terms provided for in G.S. 162A-67, so that the appointment of successors to such members may more nearly coincide with the appointment of successors to members of the existing board; and all successor members shall be appointed for the terms provided for in G.S. 162A-67. (1961, c. 795, s. 5; 1973, c. 512, s. 3; c. 822, s. 4; c. 1262, s. 23; 1977, c. 764, s. 2; 1991 (Reg. Sess., 1992), c. 954, s. 1.)

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 15, 1992, added the subsection designations (a) through (i), substituted "a political subdivision or an unincorporated" for "such political subdivision or unincorporated" in the first sentence of subsection (b), substituted "the political subdivision" for "such political subdivision" in two places in subsection (c), substituted "the political subdivision" for "any such political subdivision" in the first paragraph of subsection (d), and in subsection (i) deleted "or unincorporated area" following "political subdivision" in two places in the first sentence, added the second sentence and added subdivisions (1) and (2).

§ 162A-81. Adoption and enforcement of ordinances.

CASE NOTES

Quoted in District Bd. of Metro. Sewerage Dist. v. Blue Ridge Plating Co., 110 N.C. App. 386, 430 S.E.2d 282 (1993).

ARTICLE 6.

County Water and Sewer Districts.

§ 162A-86. Formation of district; hearing.

(a) The board of commissioners of any county may create a county water and sewer district.

(b) Before creating such a district, the board of commissioners shall hold a public hearing. Notice of the hearing shall state the date, hour, and place of the hearing and its subject and shall set forth a description of the territory to be included within the proposed district. The notice shall be published once a week for three weeks in a newspaper that circulates in the proposed district and in addition shall be posted in at least three public places in the district. The notice shall be posted and published the first time not less than 20 days before the hearing.

(b1) Before creating such a district, the board of commissioners shall hold a public hearing. Notice of the hearing shall state the date, hour, and place of the hearing and its subject and shall set forth a description of the territory to be included within the proposed district. The notice shall be published once in a newspaper that circulates in the proposed district and in addition shall be posted in at least three public places in the district. The notice shall be posted and published not more than 30 nor less than 14 days before the hearing. The newspaper notice and the public hearing may cover more than one district covered by this subsection.

This subsection applies only when the local Health Director or the State Health Director has certified that there is a present or imminent serious public health hazard caused by the failure of a low-pressure pipe sewer system within the area of the proposed district, and in such case the board of commissioners may proceed either under subsection (a) of this section or under this subsection.

(c) At the public hearing, the commissioners shall hear all interested persons and may adjourn the hearing from time to time. (1977, c. 466, s. 1; 1979, c. 624, ss. 2, 3; 1993 (Reg. Sess., 1994), c. 696, s. 1; c. 714, s. 1.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994) Chapter 696, effective July 6, 1994, and Chapter 714, effective July 7, 1994, made identical amendments to this section.

Effect of Amendments. — Session Laws 1993 (Reg. Sess., 1994), c. 696, s. 1, effective July 6, 1994, added subsection (b1).

Session Laws 1993 (Reg. Sess., 1994), c. 714, s. 1, effective July 7, 1994, added subsection (b1).

CASE NOTES

Cited in Homebuilders Ass'n v. City of Charlotte, 336 N.C. 37, 442 S.E.2d 45 (1994).

§ 162A-87. Creation of district; standards; limitation of actions.

(a) Following the public hearing, the board of commissioners may, by resolution, create a county water and sewer district if the board finds that:

(1) There is a demonstrable need for providing in the district water services, or sewer services, or both;
(2) The residents of all the territory to be included in the district will benefit from the district's creation; and
(3) It is economically feasible to provide the proposed service or services in the district without unreasonable or burdensome annual tax levies.

Territory lying within the corporate limits of a city or town may not be included in the district unless the governing body of the city or town agrees by resolution to such inclusion. Otherwise, the board of commissioners may define as the district all or any portion of the territory described in the notice of the public hearing.

(b) Upon adoption of a resolution creating a county water and sewer district, the board of commissioners shall cause the resolution to be published once in each of two successive weeks in the newspaper in which the notices of the hearing were published. In addition, the commissioners shall cause to be published with the resolution a notice in substantially the following form:

"The foregoing resolution was adopted by the .... County Board of Commissioners on ....and was first published on ....

Any action or proceeding questioning the validity of this resolution or the creation of the ....Water and Sewer District of ....County or the inclusion in the district of any of the territory described in the resolution must be commenced within 30 days after the first publication of the resolution.

....
Clerk, ...County Board of Commissioners"

Any action or proceeding in any court to set aside a resolution creating a county water and sewer district, or questioning the validity of such a resolution, the creation of such a district, or the inclusion in such a district of any of the territory described in the resolution creating the district must be commenced within 30 days after the first publication of the resolution and notice. After the expiration of this period of limitation, no right of action or defense founded upon the invalidity of the resolution, the creation of the district, or the inclusion of any territory in the district may be asserted, nor may the validity of the resolution, the creation of the district, or the inclusion of the territory be open to question in any court upon any ground whatever, except in an action or proceeding commenced within that period.

Notwithstanding any other provision of this section, in the case of any county water and sewer districts created under G.S. 162A-86(b1):

(1) A resolution may cover the creation of more than one district;
(2) The board of commissioners shall cause the resolution to be published once in the newspaper in which the notice of the hearing was published; and
(3) References in this subsection to "30 days" are instead "21 days". (1977, c. 466, s. 1; 1979, c. 624, s. 4; 1993 (Reg. Sess., 1994), c. 696, s. 2; c. 714, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994) Chapter 696, effective July 6, 1994, and Chapter 714, effective July 7, 1994, made identical amendments to this section.

Effect of Amendments. — Session Laws 1993 (Reg. Sess., 1994), c. 696, s. 2, effective July 6, 1994, added the last paragraph of subsection (b).

Session Laws 1993 (Reg. Sess., 1994), c. 714, s. 2, effective July 7, 1994, added the last paragraph of subsection (b).

§ 162A-87.1A. Initial boundaries of district.

(a) The initial boundaries of a district may exclude areas contained solely within the external boundaries of the district.

(b) The initial boundaries of a district may include noncontiguous portions, as long as the closest distance from a noncontiguous piece to the part of the district containing the greatest area does not exceed one mile.

(c) This section does not invalidate any district created prior to the effective date of this section. (1993 (Reg. Sess., 1994), c. 696, s. 3; c. 714, s. 3.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994) Chapter 696, effective July 6, 1994, and Chapter 714, effective July 7, 1994, made identical enactments of this section.

Session Laws 1993 (Reg. Sess., 1994), c. 696, s. 9, made this section effective upon ratification. The act was ratified July 6, 1994.

Session Laws 1993 (Reg. Sess., 1994), c. 714, s. 9, made this section effective upon ratification. The act was ratified July 7, 1994.

§ 162A-87.2. Abolition of water and sewer districts.

(a) Upon finding that there is no longer a need for a water and sewer district and that there are no outstanding bonds or notes issued to finance projects in the district, the board of commissioners may, by resolution, abolish that district. The board of commissioners shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any water and sewer district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the board of commissioners.

(b) If the:

(1) Terms of any contract between a county water and sewer district and a city provide that upon certain conditions, all the property of the district is conveyed to that city; and

(2) District has at the time of abolition no existing bonds or notes issued as authorized by G.S. 162A-90 to finance projects in the district,

then such contract may also provide that no earlier than such conveyance the district may be abolished by action of the governing board of the city. If the district has any other indebtedness, a contract providing for conveyance of all of the assets of a district to a city must provide for assumption of such other indebtedness by the city. If the district is owed any assessments, then the right to collect such assessments becomes that of the city. The governing board of the city shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any water and sewer district shall take effect at the end of a fiscal year of the district following passage of the resolution, as determined by the governing board. This subsection applies only to a county water and sewer district created under G.S. 162A-86(b1).

(c) If the:

(1) Terms of any contract between a county water and sewer district and a private person provide that upon certain conditions, all the property of the district is conveyed to that private person; and

(2) District has at the time of abolition no existing bonds or notes issued as authorized by G.S. 162A-90 to finance projects in the district,

such contract may also provide that no earlier than such conveyance the district may be abolished by action of the Utilities Commission. If the district has any other indebtedness, a contract providing for conveyance of all of the assets of a district to a private person must provide for assumption of such other indebtedness by the private person. If the district is owed any assessments, then the private person may collect the assessment under the same procedures as if it was the district. The Utilities Commission shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any water and sewer district shall take effect at the end of a fiscal year of the district following passage of the resolution, as determined by the Utilities Commission. This subsection applies only to a county water and sewer district created under G.S. 162A-86(b1).

(d) Any resolution of abolition adopted under this section on or after the effective date of this section shall be filed with the Secretary of State. (1985, c. 627, s. 2; 1993 (Reg. Sess., 1994), c. 696, s. 4; c. 714, s. 4.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994) Chapter 696, effective July 6, 1994, and Chapter 714, effective July 7, 1994, made identical amendments to this section.

Effect of Amendments. — Session Laws 1993 (Reg. Sess., 1994), c. 696, s. 4, effective July 6, 1994, added the subsection (a) designation, and added subsections (b), (c), and (d).

Session Laws 1993 (Reg. Sess., 1994), c. 714, s. 4, effective July 7, 1994, added the subsection (a) designation and added subsections (b), (c), and (d).

§ 162A-88. District is a municipal corporation.

Editor's Note. —

Session Laws 1993 (Reg. Sess., 1994) Chapter 696, effective July 6, 1994, and Chapter 714, effective July 7, 1994, made identical enactments of this section.

CASE NOTES

Purpose. — The very purpose of § 162A-88 is to clarify that a county water and sewer district created pursuant to § 162A-86 is effectively a municipal corporation. Homebuilders Ass'n v. City of Charlotte, 336 N.C. 37, 442 S.E.2d 45 (1994).

§ 162A-88.1. Contracts with private entities.

A county water and sewer district may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county water and sewer district is authorized by law to engage in. (1993 (Reg. Sess., 1994), c. 696, s. 5; c. 714, s. 5.)

Editor's Note. Session Laws 1993 (Reg. Sess., 1994) Chapter 696, effective July 6, 1994, and Chapter 714, effective July 7, 1994, made identical enactments of this section.

Session Laws 1993 (Reg. Sess., 1994), c. 696, s. 9, made this section effective upon ratification. The act was ratified July 6, 1994.

Session Laws 1993 (Reg. Sess., 1994), c. 714, s. 9, made this section effective upon ratification. The act was ratified July 7, 1994.

Chapter 163.

Elections and Election Laws.

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Article 22A.

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Article 22C.

Appropriations from the North Carolina Candidates Financing Fund

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163-295. Municipal and special district elections; application of Chapter 163.
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SUBCHAPTER I. TIME OF PRIMARIES AND ELECTIONS.

ARTICLE 1.

Time of Primaries and Elections.

§ 163-1. Time of regular elections and primaries.

(a) Unless otherwise provided by law, elections for the officers listed in the tabulation contained in this section shall be conducted in all election precincts of the territorial units specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the column headed "Term of Office."

(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices.

(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice-President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Lieutenant Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Secretary of State	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Auditor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Treasurer	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Superintendent of Public Instruction	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Attorney General	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Agriculture	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Commissioner of Labor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Insurance	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose terms last for four years	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose terms are not specified by law	State	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from first day of January next after election
State Senator	Senatorial district	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
Member of State House of Representatives	Representative district	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
Justices and Judges of the Appellate Division	State	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Eight years, from first day of January next after election
Judges of the superior courts	State	At the regular election for members of the General Assembly immediately preceding the	Eight years, from first day of January after next election

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
		termination of each regular term	
Judges of the district courts	District court district	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
District Attorney	District Attorney district	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from first day of January next after election
Members of House of Representatives of the Congress of the United States	Congressional district, except as modified by G.S. 163-104	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
United States Senators	State	At the regular election immediately preceding the termination of each regular term	Six years
County commissioners	County	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Two years, from the first Monday in December next after election
Clerk of superior court	County	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Register of deeds	County	At the regular election for members of the General Assembly immediately preceding the	Four years, from the first Monday in December next after election

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
		termination of each regular term	
Sheriff	County	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Coroner	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
County treasurer (in counties in which elected)	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
All other county officers to be elected by the people	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election

(Const., art. 4, s. 24; 1901, c. 89, ss. 1, 2, 3, 4, 73, 74, 77; Rev., ss. 4293, 4294, 4296, 4297, 4298, 4299; 1915, c. 101, s. 1; 1917, c. 218; C.S., ss. 5914, 5915, 5917, 5918, 5919, 5920, 6018; 1935, c. 362; 1939, c. 196; 1943, c. 134, s. 4; 1947, c. 505, s. 1; 1951, c. 1009, s. 2; 1953, c. 1191, s. 1; 1967, c. 775, s. 1; cc. 1264, 1271; 1969, c. 44, s. 80; 1971, c. 170; 1973, c. 793, s. 93; 1977, c. 265, s. 1; c. 661, s. 1; 1991 (Reg. Sess., 1992), c. 782, s. 1; 1993 (Reg. Sess., 1994), c. 738, s. 2.)

Local Modification. —

Cumberland: 1991 (Reg. Sess., 1992), c. 810; (As to this Chapter) Anson County Bd. of Commissioners: 1991 (Reg. Sess., 1992), c. 781 (but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965).

Editor's Note. —

Session Laws 1991, Ex. Sess., c. 1, ss. 1-3, as amended by Session Laws 1991, Ex. Sess., c. 3, s. 1, and Session Laws 1991, Ex. Sess., c. 9, s. 1, provide:

"Section 1. Notwithstanding any other provisions of law, the filing of notices of candidacy for 1992 only for:

"(1) Primary elections for all offices; and

"(2) Elections for all other offices conducted on the day of the primary shall be postponed and conducted in accordance with Section 2 of this act, except that nominations under the Presidential Preference Primary Act shall be made as if this act had not been enacted, and except that filing of notices of candidacy for any non-partisan election held on May 5, 1992, where there is a primary earlier in 1992, shall be made as if this act had not been enacted, and except that this act does not affect the filing period for Mayor and City Council of the City of High Point as established by Section 1 of Chapter 40 of the 1991 Session Laws.

"Sec. 2. Notices of candidacy shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 10, 1992, and no later than 12:00 noon on Monday, March 2, 1992, except that if a plan for districting the:

"(1) North Carolina House of Representatives is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the North Carolina House of Representatives shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and not later than 12:00 noon on Monday, March 2, 1992;

"(2) North Carolina Senate is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the North Carolina Senate shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and no later than 12:00 noon on Monday, March 2, 1992; or

"(3) United States House of Representatives is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the United States House of Representatives shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and no later than 12:00 noon on Monday, March 2, 1992.

"Sec. 3. In the event that this act is not approved under Section 5 of the Voting Rights Act of 1965 by 12:00 noon on January 6, 1992, but is approved thereafter, all candidate filing during the regular filing period beginning January 6, 1992, and ending when this act is approved under Section 5 of the Voting Rights Act of 1965 is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded."

Session Laws 1991, Ex. Sess., c. 1, s. 4, and Session Laws 1991, Ex. Sess., c. 9, s. 2, provide: "The Executive Secretary-Director of the State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable - 1992, setting out the applicable filing period for candidates along with all other pertinent dates relative to the primary election timetable for primary elections as modified by this act."

Section 6 of Session Laws 1991, Ex. Sess., c. 1, provides: "The Executive Secretary-Director of the State Board of Elections shall adopt regulations to implement this act. Adoption of such regulations is not subject to Chapter 150B of the General Statutes."

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Section 3 of Session Laws 1991, Ex. Sess., c. 9 provides that the act is effective February 3, 1992, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 2, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, provides: "Wherever the term 'registrar' appears in Chapter 163 of the General Statutes, the term shall be changed to read 'chief judge'."

Session Laws 1993 (Reg. Sess., 1994), c. 771, ss. 3.1-3.7 provides: "Sec. 3.1. (a) There is created an Election Laws Review Commission to be composed of 18 members appointed as follows:

"(1) The President Pro Tempore of the Senate shall appoint six members;

"(2) The Speaker of the House of Representatives shall appoint six members; and

"(3) The Governor shall appoint six members.

"As used in this Part and unless otherwise clearly indicated, 'Commission' shall refer to the Election Laws Review Commission.

"(b) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees. Either cochair may call the first meeting of the Commission.

"(c) Members shall serve until the termination of the Commission or, in case of a State legislator member, until the member either does not file for reelection to the General Assembly or is not reelected, whichever occurs first. Vacancies shall be filled in the same manner as the original appointments were made.

"Sec. 3.2. (a) The Election Laws Review Commission shall study thoroughly:

"(1) The election laws, policies, and procedures of the State, specifically to include those relating to campaign finance regulation, the appropriateness of their sanctions, and the appropriate handling and disposition of campaign contributions;

"(2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administrating these laws; and

"(3) Federal and State case rulings impinging on these laws, policies, and practices.

"(b) The Commission shall recommend changes to the law that will:

"(1) Clarify the present law by removing inconsistencies and outdated provisions, including those of dubious constitutionality;

"(2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections and its Executive Secretary-Director;

"(3) Conform the law to State and federal case law and to any requirements of federal statutory law and regulation;

"(4) Ensure the efficient and effective administration of elections in this State;

"(5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand; and

"(6) Recodify the election laws, as necessary, to produce a comprehensive current statement of law and practice of elections in North Carolina.

"Sec. 3.3. With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Election Laws Review Commission. Clerical staff shall be furnished to the Commission through the Offices of the House of Representatives and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Election Laws Review Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

"Sec. 3.4. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 1995 Session of the General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

"Sec. 3.5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

"(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1;

"(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6;

"(3) All other Commission members, at the rate established in G.S. 138-5.

"Sec. 3.6. The State Board of Elections and its Executive Secretary-Director, local boards of election, and all other State departments and agencies, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

"Sec. 3.7. The Election Laws Review Committee, created by the Legislative Research Commission in 1993, is abolished."

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective June 25, 1992, added the language beginning "provided, that in the case" in the third sentence of subsection (c).

The 1993 (Reg. Sess., 1994) amendment, effective July 13, 1994, added "and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210" in the last sentence of subsection (c).

CASE NOTES

Method of Electing Superior Court Judges Held Constitutional. — The method of electing superior court judges does not infringe upon Republicans' rights to free speech and association in violation of the First Amendment. Republican Party v. Martin, 980 F.2d 943 (4th Cir. 1992), rehearing denied, 991 F.2d 1202 (4th Cir. 1993).

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992); Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

§ 163-2. Hours of primaries and elections.

CASE NOTES

Extension of Voting Hours. — Where plaintiffs alleged that § 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c (1988), was violated because the order of the superior court judge, which extended voting hours from 7:30 p.m. to 8:30 p.m., was a "change" under § 5 which was not precleared by the United States Attorney General, plaintiffs could not show that the county superior court order was a change from the existing law or from the procedures in effect at the time; the order effected no change, but merely mirrored a previously precleared statute, doing no more than this section allowed the county boards to do. It extended the hours for the same length of time allowed by statute and imposed no additional restrictions. Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992).

Article 2.

Time of Elections to Fill Vacancies.

§ 163-9. Filling vacancies in State and district judicial offices.

CASE NOTES

Constitutionality. — This section, insofar as it provides for elections of judges to fill only the unexpired portions of eight-year terms, is authorized by N.C. Const., Art. IV, § 19; therefore, it does not violate N.C. Const., Art. IV, § 16, providing that judges "shall be elected ... and shall hold office for terms of eight years." Brannon v. North Carolina State Bd. of Elections, 331 N.C. 335, 416 S.E.2d 390 (1992).

§ 163-11. Filling vacancies in the General Assembly.

CASE NOTES

Cited in Baker v. Martin, 330 N.C. 331, 410 S.E.2d 887 (1991).

SUBCHAPTER II. ELECTION OFFICERS.

Article 3.

State Board of Elections.

§ 163-22. Powers and duties of State Board of Elections.

(a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.

(b) From time to time, the Board shall publish and furnish to the county and municipal boards of elections and other election officials a sufficient number of indexed copies of all election laws and Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the Board shall deem necessary.

(c) The State Board of Elections shall appoint, in the manner provided by law, all members of the county boards of elections and advise them and municipal elections board members as to the proper methods of conducting primaries and elections. The Board shall require such reports from the county and municipal boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county and municipal boards of elections and other election officers. In performing these duties, the Board shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county or municipal board of elections to comply with any part of the election laws imposing duties upon such a board. The State Board of Elections shall have power to remove from office any member of a county or municipal board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county or municipal board member affected and give him an opportunity to be heard. When any county board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the State Board of Elections. When any municipal board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the city council of the city appointing members of that board.

(d) The State Board of Elections shall investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county and municipality and special district, and shall report violations of the election laws to the Attorney General or district attorney or prosecutor of the district for further investigation and prosecution.

(e) The State Board of Elections shall determine, in the manner provided by law, the form and content of ballots, instruction sheets, pollbooks, talley sheets, abstract and return forms, certificates of election, and other forms to be used in primaries and elections. The Board shall furnish to the county and municipal boards of elections the registration application forms required pursuant to G.S. 163-67. The State Board of Elections shall direct the county boards of elections to purchase a sufficient quantity of all forms attendant to the registration and elections process. In addition, the State Board shall provide a source of supply from which the county boards of elections may purchase the quantity of pollbooks needed for the execution of its responsibilities. In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State Board of Elections may call to its aid the Attorney General of the State, and it shall be the duty of the Attorney General to advise and aid in the preparation of these books, ballots and forms.

(f) The State Board of Elections shall prepare, print, distribute to the county and municipal boards of elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties. The Board shall instruct the county boards of elections as to the printing of county and local ballots.

(g) The State Board of Elections shall certify to the appropriate county boards of elections the names of candidates for district offices who have filed notice of candidacy with the Board and whose names are required to be printed on county ballots.

(h) It shall be the duty of the State Board of Elections to tabulate the primary and election returns, to declare the results, and to prepare abstracts of the votes cast in each county in the State for offices which, according to law, shall be tabulated by the Board.

(i) The State Board of Elections shall make recommendations to the Governor and legislature relative to the conduct and administration of the primaries and elections in the State as it may deem advisable.

(j) Notwithstanding the provisions of any other section of this Chapter, the State Board of Elections is empowered to have access to any ballot boxes and their contents, any voting machines and their contents, any registration records, pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any precinct, county, municipality or electoral district over whose elections it has jurisdiction or for whose elections it has responsibility.

(k) Notwithstanding the provisions contained in Article 20 or Article 21 of Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which absentee ballots are required to be printed and distributed for the primary election from 50 days to 45 days. This authority shall not be authorized for absentee ballots to be voted in the general election.

(*l*) Notwithstanding any other provision of law, in order to obtain judicial review of any decision of the State Board of Elections rendered in the performance of its duties or in the exercise of its powers under this Chapter, the person seeking review must file his petition in the Superior Court of Wake County.

(m) The State Board of Elections shall issue rules to regulate recounts held under the provisions of G.S. 163-179.1 or G.S. 163-192.1.

(n) The State Board of Elections shall provide specific training to county boards of elections regarding rules for registering students.

(o) The State Board of Elections shall promulgate minimum requirements for the number of pollbooks, voting machines and curbside ballots to be available at each precinct, such that more of such will be available at general elections and a sufficient number will be available to allow voting without excessive delay. The State Board of Elections shall provide for a training and screening program for chief judges and judges. The State Board of Elections shall provide additional testing of voting machines to ensure that they operate properly even with complicated ballots.

The State Board of Elections shall require counties with voting systems to have sufficient personnel available on election day with technical expertise to make repairs in such equipment, to investigate election day problems, and assist in curbside voting. (1901, c. 89, ss. 7, 11; Rev., ss. 4302, 4305; 1913, c. 138; C.S., ss. 5923, 5926; 1921, c. 181, s. 1; 1923, c. 196; 1933, c. 165, ss. 1, 2; 1945, c. 982; 1953, c. 410, s. 2; 1967, c. 775, s. 1; 1973, c. 47, s. 2; c. 793, s. 2; 1975, c. 19, s. 65; 1977, c. 661, s. 6; 1979, c. 411, s. 1; 1981, c. 556; 1985 (Reg. Sess., 1986), c. 986, ss. 2, 3; 1987, c. 485, ss. 2, 5; c. 509, s. 9; c. 642, s. 3; 1989, c. 635, s. 5; 1991, c. 727, ss. 5.2, 7; 1993 (Reg. Sess., 1994), c. 762, s. 12.)

Editor's Note. — G.S. 163-67, referred to above, has been repealed.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" in the second sentence of the first paragraph of subsection (o).

§ 163-22.1. Power of State Board to order new elections.

CASE NOTES

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992); Farnsworth v. Jones, 114 N.C. App. 182, 441 S.E.2d 597 (1994).

§ 163-22.2. Power of State Board to promulgate temporary rules and regulations.

CASE NOTES

Construction. — Remedial statutes, such as this section, must be construed liberally in the light of the evils sought to be eliminated, the remedies intended to be applied, and the legislative objective. Newsome v. North Carolina State Bd. of Elections, 105 N.C. App. 499, 415 S.E.2d 201 (1992).

ARTICLE 4.

County Boards of Elections.

§ 163-30. County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings.

Editor's Note. — Session Laws 1991, Ex. Sess., c. 1, ss. 1-3, as amended by Session Laws 1991, Ex. Sess., c. 3, s. 1, and Session Laws 1991, Ex. Sess., c. 9, s. 1, provide:

"Section 1. Notwithstanding any other provisions of law, the filing of notices of candidacy for 1992 only for:

"(1) Primary elections for all offices; and

"(2) Elections for all other offices conducted on the day of the primary shall be postponed and conducted in accordance with Section 2 of this act, except that nominations under the Presidential Preference Primary Act shall be made as if this act had not been enacted, and except that filing of notices of candidacy for any non-partisan election held on May 5, 1992, where there is a primary earlier in 1992, shall be made as if this act had not been enacted, and except that this act does not affect the filing period for Mayor and City Council of the City of High Point as established by Section 1 of Chapter 40 of the 1991 Session Laws.

"Sec. 2. Notices of candidacy shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 10, 1992, and no later than 12:00 noon on Monday, March 2, 1992, except that if a plan for districting the:

"(1) North Carolina House of Representatives is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the North Carolina House of Representatives shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and not later than 12:00 noon on Monday, March 2, 1992;

"(2) North Carolina Senate is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the North Carolina Senate shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and no later than 12:00 noon on Monday, March 2, 1992; or

"(3) United States House of Representatives is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the United States House of Representatives shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and no later than 12:00 noon on Monday, March 2, 1992.

"Sec. 3. In the event that this act is not approved under Section 5 of the Voting Rights Act of 1965 by 12:00 noon on January 6, 1992, but is approved thereafter, all candidate filing during the regular filing period beginning January 6, 1992, and ending when this act is approved under Section 5 of the Voting Rights Act of 1965 is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded."

Session Laws 1991, Ex. Sess., c. 1, s. 4, and Session Laws 1991, Ex. Sess., c. 9, s. 2, provide "The Executive Secretary-Director of the State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable - 1992, setting out the applicable filing period for candidates along with all other pertinent dates relative to the primary election timetable for primary elections as modified by this act.

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Section 3 of Session Laws 1991, Ex. Sess., c. 9 provides that the act is effective February 3, 1992, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

§ 163-31. Meetings of county boards of elections; quorum; minutes.

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment by the State Board of Elections and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member chairman and another member secretary of the county board of elections. On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections. The board may hold other meetings at such times as the chairman of the board, or any two members thereof, may direct, for the performance of duties prescribed by law. A majority of the members shall constitute a quorum for the transaction of board business. The chairman shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the supervisor of elections to record and maintain the minutes under his supervision. (1901, c. 89, s. 11; Rev., ss. 4304, 4306; C.S., ss. 5925, 5927; 1921, c. 181, s. 2; 1923, c. 111, s. 1; 1927, c. 260, s. 1; 1933, c. 165, s. 2; 1941, c. 305, s. 1; 1945, c. 758, s. 2; 1953, c. 410, s. 1; c. 1191, s. 2; 1957, c. 182, s. 1; 1959, c.

1203, s. 1; 1966, Ex. Sess., c. 5, s. 2; 1967, c. 775, s. 1; 1969, c. 208, s. 2; 1975, c. 159, s. 2; 1977, c. 626; 1983, c. 617, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 13.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" in the second sentence of the first paragraph.

§ 163-32. Compensation of members of county boards of elections.

In full compensation of their services, members of the county board of elections (including the chairman) shall be paid by the county twenty-five dollars ($25.00) per meeting for the time they are actually engaged in the discharge of their duties, together with reimbursement of expenditures necessary and incidental to the discharge of their duties; provided that members are not entitled to be compensated for more than one meeting held in any one 24-hour period. In its discretion, the board of county commissioners of any county may pay the chairman and members of the county board of elections compensation in addition to the per meeting and expense allowance provided in this paragraph.

In all counties the board of elections shall pay its clerk, assistant clerks, and other employees such compensation as it shall fix within budget appropriations. Counties which adopt full-time and permanent registration shall have authority to pay supervisors of elections whatever compensation they may fix within budget appropriations. (1901, c. 89, s. 11; Rev., s. 4303; C.S., s. 5925; 1923, c. 111, s. 1; 1933, c. 165, s. 2; 1941, c. 305, s. 1; 1945, c. 758, s. 2; 1953, c. 410, s. 1; c. 843; c. 1191, s. 2; 1955, c. 800; 1957, c. 182, s. 1; 1959, c. 1203, s. 1; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1971, c. 1166, s. 1; 1973, c. 793, s. 8; c. 1344, s. 5; 1977, c. 626, s. 1; 1991, c. 338, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 14.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, deleted "and special registration commissioners" following "supervisors of elections" in the second sentence of the second paragraph.

§ 163-33. Powers and duties of county boards of elections.

The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

(1) To make and issue such rules, regulations, and instructions, not inconsistent with law or the rules established by the State Board of Elections, as it may deem necessary for the guidance of election officers and voters.

(2) To appoint all chief judges, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any chief judge, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.

(3) To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the State Board of Elections. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.

(4) As provided in G.S. 163-128, to establish, define, provide, rearrange, discontinue, and combine election precincts as it may deem expedient, and to fix and provide for places of registration and for holding primaries and elections.

(5) To review, examine, and certify the sufficiency and validity of petitions and nomination papers.

(6) To advertise and contract for the printing of ballots and other supplies used in registration and elections; and to provide for the delivery of ballots, pollbooks, and other required papers and materials to the voting places.

(7) To provide for the purchase, preservation, and maintenance of voting booths, ballot boxes, registration and pollbooks, maps, flags, cards of instruction, and other forms, papers, and equipment used in registration, nominations, and elections; and to cause the voting places to be suitably provided with voting booths and other supplies required by law.

(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given

by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159.

(9) To receive the returns of primaries and elections, canvass the returns, make abstracts thereof, transmit such abstracts to the proper authorities, and to issue certificates of election to county officers and members of the General Assembly except those elected in districts composed of more than one county.

(10) To appoint and remove the board's clerk, assistant clerks, and other employees; and to appoint and remove precinct transfer assistants as provided in G.S. 163-72.3.

(11) To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.

(12) To perform such other duties as may be prescribed by this Chapter or the rules of the State Board of Elections.

(13) Notwithstanding the provisions of any other section of this Chapter, to have access to any ballot boxes and their contents, any voting machines and their contents, any registration records, pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any precinct or municipality over whose elections it has jurisdiction or for whose elections it has responsibility. (1901, c. 89, s. 11; Rev., s. 4306; C.S., s. 5927; 1921, c. 181, s. 2; 1927, c. 260, s. 1; 1933, c. 165, s. 2; 1966, Ex. Sess., c. 5, s. 2; 1967, c. 775, s. 1; 1973, c. 793, ss. 9-11; 1983, c. 392, s. 1; 1989, c. 93, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 15.)

Local Modification. — Anson County Bd. of Commissioners: 1991 (Reg. Sess., 1992), c. 781, s. 8 (but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965).

For additional local modifications to this section, see the main pamphlet.

Editor's Note. — G.S. 163-72.3, referred to above, has been repealed.

Session Laws, 1991, Ex. Sess., c. 1, s. 6.1, provides: "In applying the requirements of G.S. 163-33(8) for the 1992 primary only, as well as any other elections conducted on that date, notice shall be given at least 10 days rather than 20 days before the close of the registration books or records."

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —
The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and ap-

plicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" and "chief judge" for "registrar" in subdivision (2).

§ 163-35. Supervisor of elections to county board of elections; appointment; compensation; duties; dismissal.

(a) In the event a vacancy occurs in the office of county supervisor of elections in any of the county boards of elections in this State, the county board of elections shall submit the name of the person it recommends to fill the vacancy, in accordance with provisions specified in this section, to the Executive Secretary-Director of the State Board of Elections who shall issue a letter of appointment. A person shall not serve as a supervisor of elections if he:

(1) Holds any elective public office;
(2) Is a candidate for any office in a primary or election;
(3) Holds any office in a political party or committee thereof;
(4) Is a campaign chairman or finance chairman for any candidate for public office or serves on any campaign committee for any candidate;
(5) Has been convicted of a felony in any court unless his rights of citizenship have been restored pursuant to the provisions of Chapter 13 of the General Statutes of North Carolina;
(6) Has been removed at any time by the State Board of Elections following a public hearing; or
(7) Is a member or a spouse, child, spouse of child, parent, sister, or brother of a member of the county board of elections by whom he would be employed.

(b) Appointment, Duties; Termination. — Upon receipt of a nomination from the county board of elections stating that the nominee for supervisor of elections is submitted for appointment upon majority selection by the county board of elections the Executive Secretary-Director shall issue a letter of appointment of such nominee to the chairman of the county board of elections within 10 days after receipt of the nomination. Thereafter, the county board of elections shall enter in its official minutes the specified duties, responsibilities and designated authority assigned to the supervisor by the county board of elections. A copy of the specified duties, responsibilities and designated authority assigned to the supervisor shall be filed with the State Board of Elections.

The county board of elections may, by petition signed by a majority of the board, recommend to the Executive Secretary-Director of the State Board of Elections the termination of the employment of the county board's supervisor of elections. The petition shall clearly state the reasons for termination. Upon receipt of the petition, the Executive Secretary-Director shall forward a copy of same by certified mail, return receipt requested, to the county supervisor of elections involved. The county supervisor of elections may reply to said petition within 15 days of receipt thereof. Within 20 days of receipt of the county supervisor of elections' reply or the expiration of the time period allowed for the filing of said reply, the State Executive Secretary-Director shall render a decision as to the termination or retention of the county supervisor of elections. The decision of the

Executive Secretary-Director of the State Board of Elections shall be final unless such decision shall, within 20 days from the official date on which it was made, be deferred by the State Board of Elections, in which event a public hearing shall be conducted by said State Board or any single member designated by the remaining four members, in the county seat of the county involved. Following the conduct of such public hearing and a decision by the State Board of Elections, the chairman of said Board shall notify the Executive Secretary-Director of the State Board of Elections, in writing, of the decision resulting from the public hearing. If the decision, rendered by the State Board of Elections, results in concurrence with the decision entered by the Executive Secretary-Director, the decision becomes final. If the decision rendered by the Board is contrary to that entered by the Executive Secretary-Director, then the Executive Secretary-Director shall, within 15 days from the written notification, enter an amended decision consistent with the results of the decision by the State Board of Elections. The employment of any supervisor of elections presently employed or hereafter employed shall not be terminated except in compliance with the procedures herein prescribed. For the purposes of this subsection the individual designated by the remaining four members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23.

(c) Compensation of Supervisors of Elections. — Compensation paid to supervisors of elections in all counties maintaining full-time registration (five days per week) shall be in the form of a salary in an amount recommended by the county board of elections and approved by the Board of County Commissioners and shall be commensurate with the salary paid to supervisors in counties similarly situated and similar in population and number of registered voters.

Beginning July 1, 1991, in any county operating under modified registration PLAN A, B, C, or D, the Board of County Commissioners shall compensate the supervisor of elections at a minimum rate of eight dollars ($8.00) per hour for hours worked in attendance to his or her duties as prescribed by law, including rules and regulations adopted by the State Board of Elections. In addition, the county shall pay to the supervisor an hourly wage of at least eight dollars ($8.00) per hour for all hours worked in excess of those prescribed in rules and regulations adopted by the State Board of Elections, when such additional hours have been approved by the county board of elections and such approval has been recorded in the official minutes of the county board of elections.

In addition to the compensation provided for herein, the supervisor of elections to the county board of elections shall be granted the same vacation leave, sick leave, and petty leave as granted to all other county employees. It shall also be the responsibility of the Board of County Commissioners to appropriate sufficient funds to compensate a replacement for the supervisor of elections when authorized leave is taken.

(d) Duties. — The supervisor of elections may be empowered by the county board of elections to perform such administrative duties as might be assigned by the board and the chairman. In addition, the supervisor of elections may be authorized by the chairman to execute the responsibilities devolving upon the chairman provided such authorization by any chairman shall in no way transfer the responsibility for compliance with the law. The chairman shall remain liable for proper execution of all matters specifically assigned to him by law.

The county board of elections shall have authority, by resolution adopted by majority vote, to delegate to its supervisor of elections so much of the administrative detail of the election functions, duties, and work of the board, its officers and members, as is now, or may hereafter be vested in the board or its members as the county board of elections may see fit: Provided, that the board shall not delegate to a supervisor of elections any of its quasi-judicial or policy-making duties and authority. Within the limitations imposed upon him by the resolution of the county board of elections the acts of a properly appointed supervisor of elections shall be deemed to be the acts of the county board of elections, its officers and members. (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1971, c. 1166, s. 2; 1973, c. 859, s. 1; 1975, c. 211, ss. 1, 2; c. 713; 1977, c. 265, s. 21; c. 626, s. 1; c. 1129, s. 1; 1981, cc. 84, 221; 1983, c. 697; 1985, c. 763; 1991, c. 338, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 16.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, deleted the second sentence of the first paragraph of subsection (d), which read: "In addition to any administrative duties the supervisor of elections shall be authorized to receive applications for registration and in pursuit of such authority shall be given the oath required of all registrars."

§ 163-36. Modified full-time offices.

The State Board of Elections shall promulgate rules permitting counties that have fewer than 14,001 registered voters to operate a modified full-time elections office to the extent that the operation of a full-time office is not necessary. Nothing in this section shall preclude any county from keeping an elections office open at hours consistent with the hours observed by other county offices. (1993 (Reg. Sess., 1994), c. 762, s. 6.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73, made this section effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, and provided, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

§§ 163-37 through 163-40: Reserved for future codification purposes.

Article 5.

Precinct Election Officials.

§ 163-41. Precinct chief judges and judges of election; appointment; terms of office; qualifications; vacancies; oaths of office.

(a) Appointment of Chief Judge and Judges. — At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the precinct for which appointed, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the chief judge.

The term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a precinct official who is a candidate for nomination or election.

No person shall be eligible to serve as a precinct official who holds any office in a state, congressional district, county, or precinct political party or political organization, or who is a manager or treasurer for any candidate or political party, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subsection.

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If, at any time other than on the day of a primary or election, a chief judge or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed chief judge shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as chief judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the chief judge shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

As soon as practicable, following their training as prescribed in G.S. 163-82.24, each chief judge and judge of election shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will administer the duties of my office as chief judge of (judge of election in) ..... precinct, ... County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

Notwithstanding the previous paragraph, a person appointed chief judge by the judges of election under this section, or appointed judge of election by the chief judge under this section may take the oath of office immediately upon appointment.

Before the opening of the polls on the morning of the primary or election, the chief judge shall administer the oath set out in the preceding paragraph to each assistant, and any judge of election not previously sworn, substituting for the words "chief judge of" the words "assistant in" or "judge of election in" whichever is appropriate.

(b) Special Registration Commissioners Abolished; Optional Training. — The office of special registration commissioner is abolished. The State Board of Elections and county boards of elections may provide training to persons assisting in voter registration.

(b1) Repealed by Session Laws 1985, c. 387, s. 1.1.

(c) Publication of Names of Precinct Officials. — Immediately after appointing chief judges and judges as herein provided, the county board of elections shall publish the names of the persons appointed in some newspaper having general circulation in the county or, in lieu thereof, at the courthouse door, and shall notify each person appointed of his appointment, either by letter or by having a notice served upon him by the sheriff. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. (1901, c. 89, ss. 8, 9, 16; Rev., ss. 4307, 4308, 4309; C.S., ss. 5928, 5929, 5930; 1923, c. 111, s. 2; 1929, c. 164, s. 18; 1933, c. 165, s. 3; 1947, c. 505, s. 2; 1953, c. 843; c. 1191, s. 3; 1955, c. 800; 1957, c. 784, s. 1; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 435; c. 1223, s. 2; 1975, c. 159, ss. 3, 4; c. 711; c. 807, s. 1; 1979, c. 766, s. 1; c. 782; 1981, c. 628, ss. 1, 2; c. 954, ss. 2, 4; 1981 (Reg. Sess., 1982), c. 1265, s. 7; 1983, c. 617, s. 5; 1985, c. 387; c. 563, ss. 9, 10; c. 600, s. 7.1; c. 759, ss. 7, 7.1, 8; 1987, c. 80; c. 491, s. 4.1; 1987 (Reg. Sess., 1988), c. 1028, s. 12; 1989, c. 93, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 3.)

Editor's Note. —

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" and deleted "special registration commissioners" following "judges of election" in the section catchline; substituted "chief judge" for "registrar" and "judge of election" for "judge of elections" throughout the section; substituted "G.S. 163-82.24" for "G.S. 163-80(d)" in the ninth paragraph of subsection (a); rewrote subsection (b), which provided for the appointment of special registration commissioners; and, in subsection (c), substituted "chief judges and judges" for "registrars, judges, and special registration commissioners" in the first sentence.

§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.

Each county and municipal board of elections is authorized, in its discretion, to appoint two or more assistants for each precinct to aid the chief judge and judges. Not more than two assistants shall be appointed in precincts having 500 or less registered voters. Assistants shall be qualified voters of the precinct for which appointed. When the board of elections determines that assistants are needed in a precinct an equal number shall be appointed from different political parties, unless the requirement as to party affiliation cannot be met because of an insufficient number of voters of different political parties within a precinct.

The chairman of each political party in the county shall have the right to recommend from three to 10 registered voters in each precinct for appointment as precinct assistants in that precinct. If the recommendations are received by it no later than the thirtieth day prior to the primary or election, the board shall make appointments of the precinct assistants for each precinct from the names thus recommended.

Before entering upon the duties of the office, each assistant shall take the oath prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for which the assistant is appointed. Assistants serve for the particular primary or election for which they are appointed, unless the county board of elections appoints them for a term to expire on the date appointments are to be made pursuant to G.S. 163-41. (1929, c. 164, s. 35; 1933, c. 165, s. 24; 1953, c. 1191, s. 3; 1967, c. 775, s. 1; 1973, c. 793, s. 95; c. 1359, ss. 1-3; 1975, c. 19, s. 67; 1977, c. 95, ss. 1, 2; 1981, c. 954, s. 3; 1983, c. 617, s. 4; 1985, c. 563, ss. 8, 8.1; 1993 (Reg. Sess., 1994), c. 762, s. 17.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first sentence of the first and third paragraphs.

§ 163-43. Ballot counters; appointment; qualifications; oath of office.

The county board of elections of any county may authorize the use of precinct ballot counters to aid the chief judges and judges of election in the counting of ballots in any precinct or precincts within the county. The county board of elections shall appoint the ballot counters it authorizes for each precinct or, in its discretion, the board may delegate authority to make such appointments to the precinct chief judge, specifying the number of ballot counters to be appointed for each precinct. A ballot counter must be a resident of that precinct.

No person shall be eligible to serve as a ballot counter, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a ballot counter, who serves as chairman of a state, congressional district, county, or precinct political party or political organization.

No person who is the wife, husband, mother, father, son, daughter, brother or sister of any candidate for nomination or election may serve as ballot counter during any primary or election in which such candidate qualifies.

No person shall be eligible to serve as a ballot counter who is a candidate for nomination or election.

Upon acceptance of appointment, each ballot counter shall appear before the precinct chief judge at the voting place immediately at the close of the polls on the day of the primary or election and take the following oath to be administered by the chief judge:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will honestly discharge the duties of ballot counter in .... precinct, ... County for primary (or election) held this day, and that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me, God." The names and addresses of all ballot counters serving in any precinct, whether appointed by the county board of elections or by the chief judge, shall be reported by the chief judge to the county board of elections at the county canvass following the primary or election. (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1981, c. 954, s. 5; 1985, c. 563, s. 10.1; 1993 (Reg. Sess., 1994), c. 762, s. 18.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" in the first sentence of the first paragraph, and substituted "chief judge" for "registrar" in the second sentence of the third paragraph, twice in the sixth paragraph, and twice in the sentence following the oath.

§ 163-45. Observers; appointment.

The chairman of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chairman, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chairman contains the names of all persons authorized to represent such chairman's political party. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time. This right shall not extend to the chairman of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named on the ballot, he or his campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers must be registered voters of the precinct for which appointed and must have good moral character. Observers shall take no oath of office.

Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chairman of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chairman shall deliver one copy of the list to the chief judge for each affected precinct. He shall retain the other copy. The chairman, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chairman of the county board of elections or the person making the substitute appointment.

An observer shall do no electioneering at the voting place, and he shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting his ballot, but, subject to these restrictions, the chief judge and judges of elections shall permit him to make such observation and take such notes as he may desire.

Whether or not the observer attends to the polls for the requisite time provided by this section, each observer shall be entitled to obtain at times specified by the State Board of Elections, but not less than three times during election day with the spacing not less than one hour apart, a list of the persons who have voted in the precinct so far in that election day. Counties that use an "authorization to vote document" instead of poll books may comply with the requirement in the previous sentence by permitting each observer to inspect election records so that the observer may create a list of persons who have voted in the precinct so far that election day; each observer shall be entitled to make the inspection at times specified by the State Board of Elections, but not less than three times during election day with the spacing not less than one hour apart. (1929, c. 164, s. 36; 1953, c. 843; 1955, c. 800; c. 871, s. 7; 1959, c. 616, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 14, 94; 1977, c. 453; 1991, c. 727, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 19.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" four times in the second paragraph and once in the third paragraph.

§ 163-46. Compensation of precinct officials and assistants.

The precinct chief judge shall be paid the state minimum wage for his services on the day of a primary, special or general election. Judges of election shall each be paid the state minimum wage for their services on the day of a primary, special or general election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state minimum wage for their services on the day of a primary, special or general election. Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of five dollars ($5.00) for their services on the day of a primary, general or special election.

Chief judges shall be paid the sum of twenty dollars ($20.00) per day and judges shall be paid the sum of fifteen dollars ($15.00) per day for attendance at the county canvass, pursuant to G.S. 163-173.

The chairman of the county board of elections, along with the supervisor of elections, shall conduct an instructional meeting prior to each primary and general election which shall be attended by each chief judge and judge of election, unless excused by the chairman, and such precinct election officials shall be paid the sum of fifteen dollars ($15.00) for attending the instructional meetings required by this section.

In its discretion, the board of county commissioners of any county may provide funds with which the county board of elections may pay chief judges, judges, assistants, and ballot counters in addition to the amounts specified in this section. Observers shall be paid no compensation for their services.

A person appointed to serve as chief judge, or judge of election when a previously appointed chief judge or judge fails to appear at the voting place or leaves his post on the day of an election or primary shall be paid the same compensation as the chief judge or judge appointed prior to that date.

For the purpose of this section, the phrase "the State minimum wage," means the amount set by G.S. 95-25.3(a). For the purpose of this section, no other provision of Article 2A of Chapter 95 of the General Statutes shall apply. (1901, c. 89, s. 42; Rev., s. 4311; C.S., s. 5932; 1927, c. 260, s. 2; 1931, c. 254, s. 16; 1933, c. 165, s. 3; 1935, c. 421, s. 1; 1939, c. 264, s. 1; 1941, c. 304, s. 1; 1945, c. 758, s. 3; 1947, c. 505, s. 11; 1951, c. 1009, s. 1; 1953, c. 843; 1955, c. 800; 1957, c. 182, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1969, c. 24; 1971, c. 604; 1973, c. 793, ss. 15, 16, 94; 1977, c. 626, s. 1; 1979, c. 403; 1981, c. 796, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 20.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" and "chief judges" for "registrars" throughout the section, inserted "dollars" following "fifteen" in the second paragraph, and deleted "or for attending the polling place for the purpose of registering voters upon instruction from the chairman of the county board of elections" at the end of the second paragraph.

§ 163-47. Powers and duties of chief judges and judges of election.

(a) The chief judges and judges of election shall conduct the primaries and elections within their respective precincts fairly and impartially, and they shall enforce peace and good order in and about the place of registration and voting. On the day of each primary and general and special election, the precinct chief judge and judges shall remain at the voting place from the time fixed by law for the commencement of their duties there until they have completed all those duties, and they shall not separate nor shall any one of them leave the voting place except for unavoidable necessity.

(b) On the day of an election or primary, the chief judge shall have charge of the registration list for the purpose of passing on the registration of persons who present themselves at the polls to vote.

(c) The chief judge and judges shall hear challenges of the right of registered voters to vote as provided by law.

(d) The chief judge and judges shall count the votes cast in their precincts and make such returns of the same as is provided by law.

(e) The chief judge and judges shall make such an accounting to the chairman of the county board of elections for ballots and for election supplies as is required by law.

(f) The chief judge and judges of election shall act by a majority vote on all matters not assigned specifically by law to the chief judge or to a judge. (1901, c. 89, s. 41; Rev., s. 4312; C.S., s. 5933; 1933, c. 165, s. 3; 1939, c. 263, s. 3½; 1947, c. 505, s. 3; 1967, c. 775, s. 1; 1973, c. 793, s. 17; 1993 (Reg. Sess., 1994), c. 762, s. 4.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" in the section catchline and in the first sentence of subsection (a); substituted "chief judge" for "registrar" in the second sentence of subsection (a), in subsection (b), and twice in subsection (f), and substituted "chief judge" for "registrars" in subsections (c), (d), and (e); and, in subsection (b), deleted the former first two sentences, relating to duties of the registrar, and substituted "list" for "book" in the remaining sentence.

§ 163-48. Maintenance of order at place of registration and voting.

The chief judge and judges of election shall enforce peace and good order in and about the place of registration and voting. They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. They shall prevent riots, violence, tumult, or disorder.

In the discharge of the duties prescribed in the preceding paragraph of this section, the chief judge and judges may call upon the sheriff, the police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so. The sheriff, police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws. The chief judge and judges of election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting. (1901, c. 89, s. 72; Rev., s. 4376; C.S., s. 5977; 1955, c. 871, s. 4; 1967, c. 775, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 21.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first sentence of the first paragraph and the first and last sentences of the second paragraph, and deleted "constables" following "sheriff" in the third sentence of the second paragraph.

SUBCHAPTER III. QUALIFYING TO VOTE.

ARTICLE 6.

Qualifications of Voters.

§ 163-57. Residence defined for registration and voting.

All election officials in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

(1) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(2) A person shall not be considered to have lost his residence who leaves his home and goes into another state or county of this State, for temporary purposes only, with the intention of returning.

(3) A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.

(4) If a person removes to another state or county within this State, with the intention of making such state or county his permanent residence, he shall be considered to have lost his residence in the state or county from which he has removed.

(5) If a person removes to another state or county within this State, with the intention of remaining there an indefinite time and making such state or county his place of residence, he shall be considered to have lost his place of residence in this State or the county from which he has removed, notwithstanding he may entertain an intention to return at some future time.

(6) If a person goes into another state or county, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.

(7) School teachers who remove to a county for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live in the county in which their parents or other relatives reside, and who do not have the intention of becoming residents of the county to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county in which their parents or other relatives reside.

(8) If a person removes to the District of Columbia or other federal territory to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service unless he votes there, and the place at which he resided at the time of his removal shall be considered and held to be his place of residence.

(9) If a person removes to a county to engage in the service of the State government, he shall not be considered to have lost his residence in the county from which he removed, unless he demonstrates a contrary intention.

(10) For the purpose of voting a spouse shall be eligible to establish a separate domicile.

(11) So long as a student intends to make his home in the community where he is physically present for the purpose of attending school while he is attending school and has no intent to return to his former home after graduation, he may claim the college community as his domicile. He need not also intend to stay in the college community beyond graduation in order to establish his domicile there. This subdivision is intended to codify the case law. (19th amendt. U.S. Const.; amendt. State Const., 1920; 1901, c. 89, s. 15; Rev., s. 4316; C.S., s. 5937; Ex. Sess. 1920, c. 18, s. 1; 1933, c. 165, s. 4; 1945, c. 758, s. 7; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1981, c. 184; 1991, c. 727, s. 5.1; 1993 (Reg. Sess., 1994), c. 762, s. 22.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "election officials" for "registrars and judges" in the undesignated introductory language.

CASE NOTES

I. In General.

I. IN GENERAL.

Domicile Not Properly Established. — Board of Elections erred in determining that defendant was a qualified candidate in an election because he was not legally registered to vote in the ward as he had not properly established domicile. Farnsworth v. Jones, 114 N.C. App. 182, 441 S.E.2d 597 (1994).

§ 163-59. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

(1) Is a registered voter, and

(2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-116 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age or residence to register and vote in the general election or regular municipal election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general or regular municipal election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election or regular municipal election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. (1915, c. 101, s. 5; 1917, c. 218; C.S., s. 6027; 1959, c. 1203, s. 6; 1967, c. 775, s. 1; 1971, c. 1166, s. 4; 1973, c. 793, s. 20; 1981, c. 33, s. 1; 1983, c. 324, s. 3; 1987, c. 408, s. 4; c. 457, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 5; 1993 (Reg. Sess., 1994), c. 762, s. 23.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective with respect to elections occurring on or after July 1, 1993, substituted "last day for making application to register under G.S. 163-67" for "21st day (excluding Saturdays and Sundays)" in the second sentence of the last paragraph.

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "G.S. 163-116" for "G.S. 163-74(a1)" in the second paragraph and "G.S. 163-82.6(c)" for "G.S. 163-67" in the second sentence of the third paragraph.

ARTICLE 7.

Registration of Voters.

§§ 163-65 through 163-82: Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 1, effective January 1, 1995.

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 72, effective July 16, 1994, provides for circumstances under which a voter registration application is valid if, before January 1, 1995, the applicant submits the form by mail or in person.

Former § 163-66.1 had previously been repealed by Session Laws 1989 (Reg. Sess., 1990), c. 1066, s. 30; former § 163-67.1 had previously been repealed by Session Laws 1973, c. 859, s. 2; former § 163-68 had previously been repealed by Session Laws 1973, c. 793, s. 24; and former § 163-73 had previously been repealed by Session Laws 1973, c. 793, s. 29.

ARTICLE 7A.

Registration of Voters.

§ 163-82.1. General principles of voter registration.

(a) Prerequisite to Voting. — No person shall be permitted to vote who has not been registered under the provisions of this Article or registered as previously provided by law.

(b) County Board's Duty to Register. — A county board of elections shall register, in accordance with this Article, every person qualified to vote in that county who makes an application in accordance with this Article.

(c) Permanent Registration. — Every person registered to vote by a county board of elections in accordance with this Article shall remain registered until:

(1) The registrant requests in writing to the county board of elections to be removed from the list of registered voters; or

(2) The registrant becomes disqualified through death, conviction of a felony, or removal out of the county; or

(3) The county board of elections determines, through the procedure outlined in G.S. 163-82.14, that it can no longer confirm where the voter resides. (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 25; 1975, c. 395; 1981, c. 39, s. 1; c. 87, s. 1; c. 308, s. 1; 1985, c. 211, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73, made this Article effective January 1, 1995, and applicable to all primaries and elections occuring on or after that date. Section 73 also provided in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences. G.S. 163-82.20(a)(3) and G.S. 163-82.20[(c)] as enacted in Section 2 of this act expire January 1, 1996."

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 2 provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1994.'"

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16.1 provided that the State Budget Officer conduct a workload analysis of the Employment Security Commission's expected and actual voter registration activity related to compliance with Article 7A of Chapter 163 of the General Statutes, as enacted by Session Laws 1993, c. 762, or compliance with P.L. 103-31.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.5 is a severability clause.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.2 provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994-95 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994-95 fiscal year."

§ 163-82.2. Chief State Election Official.

The Executive Secretary-Director of the State Board of Elections is the "Chief State Election Official" of North Carolina for purposes of P.L. 103-31, The National Voter Registration Act of 1993, subsequently referred to in this Article as the "National Voter Registration Act". As such the Executive Secretary-Director is responsible for coordination of State responsibilities under the National Voter Registration Act. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.3. Voter registration application forms.

(a) Form Developed by State Board of Elections. — The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:

(1) Register to vote;
(2) Change party affiliation or unaffiliated status;
(3) Report a change of address within a county;
(4) Report a change of name.

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163-82.3.

(b) Interstate Form. — The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section the interstate registration form designed by the Federal Election Commission pursuant to section 9 of the National Voter Registration Act, if the interstate form is submitted in accordance with G.S. 163-82.6.

(c) Agency Application Form. — The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section a form developed pursuant to G.S. 163-82.19 or G.S. 163-82.20. (1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.4. Contents of application form.

(a) Information Requested of Applicant. — The form required by G.S. 163-82.3(a) shall request the applicant's:

(1) Name,
(2) Date of birth,
(3) Residence address,
(4) County of residence,
(5) Date of application,
(6) Gender,
(7) Race,
(8) Political party affiliation, if any, in accordance with subsection (c) of this section,
(9) Telephone number (to assist the county board of elections in contacting the voter if needed in processing the application),

and any other information the State Board finds is necessary to enable officials of the county where the person resides to satisfactorily process the application. The form shall require the applicant to state whether currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. The county board shall make a diligent effort to complete for the registration records any information requested on the form that the applicant does not complete, but no application shall be denied because an applicant does not state race, gender, or telephone number. The application shall conspicuously state that provision of the applicant's telephone number is optional. If the county board maintains voter records on computer, the free list provided under this subsection shall include telephone numbers if the county board enters the telephone number into its computer records of voters.

(b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of Confidentiality. — The form required by G.S. 163-82.3(a) shall contain, in uniform type, the following:

(1) A statement that specifies each eligibility requirement (including citizenship) and an attestation that the applicant meets each such requirement, with a requirement for the signature of the applicant, under penalty of a Class I felony under G.S. 163-275(a).

(2) A statement that, if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(3) A statement that, if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(c) Party Affiliation or Unaffiliated Status. — The application form described in G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be affiliated with one of the political parties in G.S. 163-96, or a preference to be an "unaffiliated" voter. Every person who applies to register shall state his preference. If the applicant fails to declare a preference for a party or for unaffiliated status, that person shall be listed as "unaffiliated", except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board shall not change the registrant's status to "unaffiliated" unless the registrant clearly indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated registrant shall not be eligible to vote in any political party primary, except as provided in G.S. 163-116, but may vote in any other primary or general election. The application form shall so state. (1901, c. 89, s. 12; Rev., s. 4319; C.S., s. 5940; Ex. Sess. 1920, c. 93; 1933, c. 165, s. 5; 1951, c. 984, s. 1; 1953, c. 843; 1955, c. 800; c. 871, s. 2; 1957, c. 784, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1971, c. 1166, s. 6; 1973, c. 793, s. 27; c. 1223, s. 3; 1975, c. 234, s. 2; 1979, c. 135, s. 1; c. 539, ss. 1-3; c. 797, ss. 1, 2; 1981, c. 222; c. 308, s. 2; 1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.5. Distribution of application forms.

The State Board of Elections shall make the forms described in G.S. 163-82.3 available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration drives. (1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.6. Acceptance of application forms.

(a) How the Form May Be Submitted. — The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail or in person. The applicant may delegate the submission of the form to another person.

(b) Signature. — The form shall be valid only if signed by the applicant.

(c) Registration Deadlines for an Election. — In order to be valid for an election, the form:

(1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,

(2) If submitted in person (by the applicant or another person), must be received by the county board of elections by 5:00 p.m. on the twenty-fifth day before the election,

except as provided in subsection (d) of this section.

(d) Instances When Person May Register and Vote on Election Day. — If a person has become qualified to register and vote between the twenty-fifth day before an election and election day, then that person may apply to register on election day by submitting an application form described in G.S. 163-82.3(a) or (b) to:

(1) A member of the county board of elections;

(2) The county supervisor of elections; or

(3) The chief judge or a judge of the precinct in which the person is eligible to vote,

and, if the application is approved, that person may vote the same day. The official in subdivisions (1) through (3) of this subsection to whom the application is submitted shall decide whether the applicant is eligible to vote. The applicant shall present to the official written or documentary evidence that the applicant is the person he represents himself to be. The official, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to that official as to the applicant's qualifications. If the official determines that the person is eligible, the person shall be permitted to vote in the election and the county board shall add the person's name to the list of registered voters. If the official denies the application, the person shall be permitted to vote a challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to the full county board of elections. The State Board of Elections shall promulgate rules for the county boards of elections to follow in hearing appeals for denial of election-day applications to register. No person shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary. For purposes of this subsection, persons who "become qualified to register and vote" during a time period:

(1) Include those who during that time period are naturalized as citizens of the United States or who are restored to citizenship after a conviction of a felony; but

(2) Do not include persons who reach the age of 18 during that time period, if those persons were eligible to register while 17 years old during an earlier period. (1901, c. 89, ss. 18, 21; Rev., ss. 4322, 4323; C.S., ss. 5946, 5947; 1923, c. 111, s. 3; 1933, c. 165, s. 5; 1947, c. 475; 1953, c. 843; 1955, c. 800; 1957, c. 784, ss., 3, 4; 1961, c. 382; 1963, c. 303, ss. 1, 2; 1967, c. 761, s. 3; c. 775, s. 1; 1969, c. 750, ss. 1, 2; 1977, c. 626, s. 1; 1979, c. 539, s. 5; c. 766, s., 2; 1981, c. 33, s. 2; 1981 (Reg. Sess., 1982), c. 1265, s. 6; 1983, c. 553; 1985, c. 260, s. 1; 1991, c. 363, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 1; 1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 72, effective July 16, 1994, provides for circumstances under which a voter registration application is valid if, before January 1, 1995, the applicant submits the form by mail or in person.

§ 163-82.7. Verification of qualifications and address of applicant; denial or approval of application.

(a) Tentative Determination of Qualification. — When a county board of elections receives an application for registration submitted pursuant to G.S. 163-82.6, the board either:

(1) Shall make a determination that the applicant is not qualified to vote at the address given, or

(2) Shall make a tentative determination that the applicant is qualified to vote at the address given, subject to the mail verification notice procedure outlined in subsection (c) of this section

within a reasonable time after receiving the application.

(b) Denial of Registration. — If the county board of elections makes a determination pursuant to subsection (a) of this section that the applicant is not qualified to vote at the address given, the board shall send, by certified mail, a notice of denial of registration. The notice of denial shall contain the date on which registration was denied, and shall be mailed within two business days after denial. The notice of denial shall inform the applicant of alternatives that the applicant may pursue to exercise the franchise. If the applicant disagrees with the denial, the applicant may appeal the decision under G.S. 163-82.18.

(c) Verification of Address by Mail. — If the county board of elections tentatively determines that the applicant is qualified to vote at the address given, then the county board shall send a notice to the applicant, by nonforwardable mail, at the address the applicant provides on the application form. The notice shall state that the county will register the applicant to vote if the Postal Service does not return the notice as undeliverable to the county board. The notice shall also inform the applicant of the precinct and voting place to which the applicant will be assigned if registered.

(d) Approval of Application. — If the Postal Service does not return the notice as undeliverable, the county board shall register the applicant to vote.

(e) Second Notice if First Notice Is Returned as Undeliverable. — If the Postal Service returns the notice as undeliverable, the county board shall send a second notice by nonforwardable mail to the same address to which the first was sent. If the second notice is not returned as undeliverable, the county board shall register the applicant to vote.

(f) Denial of Application Based on Lack of Verification of Address. — If the Postal Service returns as undeliverable the notice sent by nonforwardable mail pursuant to subsection (e) of this section, the county board shall deny the application. The county board need not try to notify the applicant further.

(g) Voting When Verification Process Is Incomplete. — In cases where an election occurs before the process of verification outlined in this section has had time to be completed, the county board of elections shall be guided by the following rules:

(1) If the county board has made a tentative determination that an applicant is qualified to vote under subsection (a) of this section, then that person shall not be denied the right to vote in person in an election unless the Postal Service has returned as undeliverable two notices to the applicant: one mailed pursuant to subsection (c) of this section and one mailed pursuant to subsection (e) of this section. This subdivision does not preclude a challenge to the voter's qualifications under Article 8 of this Chapter.

(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by mailed absentee ballot. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163-89.

(3) If a notice sent pursuant to subsection (c) or (e) of this section is returned by the Postal Service as undeliverable after a person has already voted in an election, then the county board shall treat the person as a registered voter but shall send a confirmation mailing pursuant to G.S. 163-82.14(d)(2) and remove or retain the person on the registration records in accordance with that subdivision. (1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.8. Voter registration cards.

(a) Authority to Issue Card. — With the approval of the board of county commissioners, the county board of elections may issue to each voter in the county a voter registration card, or may issue cards to all voters registered after January 1, 1995.

(b) Content and Format of Card. — At a minimum, the voter registration card shall:

(1) List the voter's name, address, and voting place;
(2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county, change of name, and change of party affiliation; and
(3) Be wallet size.

No voter registration card may be issued by a county board of elections unless the State Board of Elections has approved the format of the card.

(c) Ways County Board and Registrant May Use Card. — If the county board of elections issues voter registration cards, the county board may use that card as a notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c), provided that the mailing contains the statements and information required in that subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter registration card to verify change of address, change of name, or change of party affiliation. A registrant may use the card to report a change of address, change of name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

(d) Card as Evidence of Registration. — A voter registration card shall be evidence of registration but shall not preclude a challenge as permitted by law.

(e) Display of Card May Not Be Required to Vote. — No county board of elections may require that a voter registration card be displayed in order to vote. (1901, c. 89, ss. 18, 21; Rev., ss. 4322, 4323; C.S., ss. 5946, 5947; 1923, c. 111, s. 3; 1933, c. 165, s. 5; 1947, c. 475; 1953, c. 843; 1955, c. 800; 1957, c. 784, ss. 3, 4; 1961, c. 382; 1963, c. 303, ss. 1, 2; 1967, c. 761, s. 3; c. 775, s. 1; 1969, c. 750, ss. 1, 2; 1977, c. 626, s. 1; 1979, c. 539, s. 5; c. 766, s. 2; 1981, c. 33, s. 2; 1981 (Reg. Sess., 1982), c. 1265, s. 6; 1983, c. 553; 1985, c. 260, s. 1; 1991, c. 363, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.9. Cancellation of prior registration.

If an applicant indicates on an application form described in G.S. 163-82.3 a current registration to vote in any other county, municipality, or State, the county board of elections, upon registering the person to vote, shall send a notice to the appropriate officials in the other county, municipality, or State and shall ask them to cancel the person's voter registration there. (1973, c. 793, s. 28; c. 1223, s. 4; 1977, c. 265, s. 3; 1983, c. 411, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.10. Official record of voter registration.

(a) Application Form Becomes Official Record. — A completed and signed registration application form described in G.S. 163-82.3, once approved by the county board of elections, becomes the official registration record of the voter. The county board of elections shall maintain custody of the official registration records of all voters in the county and shall keep them in a place where they are secure.

(b) Access to Registration Records. — Upon request by that person, the county board of elections shall provide to any person a list of the registered voters of the county or of any precinct or precincts in the county. The county board may furnish selective lists according to party affiliation, gender, race, date of registration, or any other reasonable category. The county board shall require each person to whom a list is furnished to reimburse the board for the actual cost incurred in preparing it, except as provided in subsection (c) of this section.

(c) Free Lists. — Free lists of all registered voters in the county shall be provided in the following cases:

(1) A county board that maintains voter records on computer shall provide, upon written request, one free list to:
  a. The State chair of each political party; and
  b. The county chair of each political party
  once in every odd-numbered year, once during the first six calendar months of every even-numbered year, and once during the latter six calendar months of every even-numbered year.

(2) A county board that does not maintain voter records on computer shall provide one free paper list every two years to the county chair of each political party.

Each free list shall include the name, address, gender, date of birth, race, political affiliation, voting history, and precinct of each registered voter. The free paper list to the county party chairs shall group voters by precinct. All free lists shall be provided as soon as practicable but no later than 30 days after written request. Each State party chair shall provide the discs or tapes received from the county boards to candidates of that party who request the discs or tapes in writing. Each State party chair shall return discs and tapes to the county boards within 30 days after receiving them. As used in this section, "political party" means a political party as defined in G.S. 163-96. (1901, c. 89, s. 83; Rev., s. 4382; C.S., s. 6016; 1931, c. 80; 1939, c. 263, s. 3½; 1949, c. 916, ss. 6, 7; 1953, c. 843; 1955, c. 800; 1959, c. 883; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 22, 25; 1975, c. 12; c. 395; 1979, 2nd Sess., c. 1242; 1981, c. 39, s. 1; c. 87, s. 1; c. 308, s. 1; c. 656; 1983, c. 218, ss. 1, 2; 1985, c. 211, ss. 1, 2; c. 472, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.11. Establishment of statewide computerized voter registration.

The State Board of Elections shall develop and implement a statewide computerized voter registration system to facilitate voter registration and to provide a central database containing voter registration information for each county. The system shall encompass both software development and purchasing of the necessary hardware for the central and distributed-network systems.

The State Board of Elections shall develop and implement the system so that each county board of elections can:

(1) Verify that an applicant to register in its county is not also registered in another county;
(2) Be notified automatically that a registered voter in its county has registered to vote in another county; and
(3) Receive automatically data about a person who has applied to vote at a drivers license office or at another public agency that is authorized to accept voter registration applications.

Each county board of elections shall be responsible for registering voters within its county according to law. Each county board of elections shall maintain its own computer file of registered voters in accordance with rules promulgated by the State Board of Elections. Each county board of elections shall transmit through the computer network all additions, deletions, and changes in its list of registered voters promptly to the statewide computer file. The State Board of Elections shall maintain a continually updated duplicate file of each county's registered voters. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16 provided that the State Board of Elections conduct a needs assessment and requirements analysis for computerized voter registration, and further provided that $1,500,000 be deposited into a reserved fund for computerized voter registration.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.2 provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994-95 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994-95 fiscal year."

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 2 provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1994.'"

§ 163-82.12. Promulgation of rules relating to computerized voter registration.

The State Board of Elections shall make all rules necessary to administer the statewide voter registration system established by this Article. These rules shall include provisions for:

(1) Establishing, developing, and maintaining a computerized central voter registration file;
(2) Linking the central file through a network with computerized voter registration files in each of the counties;
(3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications;

(4) Protecting and securing the data; and

(5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16 provided that the State Board of Elections conduct a needs assessment and requirements analysis for computerized voter registration, and further provided that $1,500,000 be deposited into a reserved fund for computerized voter registration.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16.1, provided that the State Budget Officer conduct a workload analysis of the Employment Security Commission's expected and actual voter registration activity related to compliance with Article 7A of Chapter 163 of the General Statutes, as enacted by Session Laws 1993, c. 762, or compliance with P.L. 103-31.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 2 provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1994.'"

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.2 provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994-95 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994-95 fiscal year."

§ 163-82.13. Access to statewide voter registration file.

(a) Free Copy for Political Parties. — Beginning January 1, 1996, the State Board of Elections shall make available free of charge, upon written request, one magnetic copy of the statewide computerized voter registration file to the chairman of each political party as defined in G.S. 163-96 as soon as practicable after the close of registration before every statewide primary and election. The file made available to the political party chairmen shall contain the name, address, gender, date of birth, race, voting history, political affiliation, and precinct of every registered voter in the State. If a county board enters telephone numbers into its computer lists of registered voters, then the free list provided under this subsection shall include telephone numbers.

(b) Copies for Sale to Others. — Beginning January 1, 1996, the State Board of Elections shall sell, upon written request, to other public and private organizations and persons magnetic copies of the statewide computerized voter registration file. The State Board of Elections may sell selective lists of registered voters according to county, congressional or legislative district, party affiliation, gender, date of birth, race, date of registration, or any other reasonable category, or a combination of categories. The State Board of Elections shall require all persons to whom any list is furnished under this subsection to reimburse the board for the actual cost incurred in preparing it. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16 provided that the State Board of Elections conduct a needs assessment and requirements analysis for computerized voter registration, and further provided that $1,500,000 be deposited into a reserved fund for computerized voter registration.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16.1 provided that the State Budget Officer conduct a workload analysis of the Employment Security Commission's expected and actual voter registration activity related to compliance with Article 7A of Chapter 163 of the General Statutes, as enacted by Session Laws 1993, c. 762, or compliance with P.L. 103-31.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.2 provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994-95 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994-95 fiscal year."

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 2 provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1994.'"

§ 163-82.14. List maintenance.

(a) Uniform Program. — The State Board of Elections shall adopt a uniform program that makes a reasonable effort:

(1) To remove the names of ineligible voters from the official lists of eligible voters, and

(2) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.

That program shall be nondiscriminatory and shall comply with the provisions of the Voting Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act. The State Board of Elections, in addition to the methods set forth in this section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including address-updating services provided by the Postal Service. Each county board of elections shall conduct systematic efforts to remove names from its list of registered voters in accordance with this section and with the program adopted by the State Board.

(b) Death. — The Department of Environment, Health, and Natural Resources, on or before the fifteenth day of March, June, September, and December, shall furnish free of charge to each county board of elections a certified list of the names of deceased persons who were residents of that county. The Department of Environment, Health, and Natural Resources shall base each list upon information supplied by death certifications it received during the preceding quarter. Upon the receipt of the certified list, the county board of elections shall remove from its voter registration records any person the list shows to be dead. The county board need not send any notice to the address of the person so removed.

(c) Conviction of a Felony. —

(1) Report of Conviction Within the State. — The clerk of superior court, on or before the fifteenth day of March, June, September, and December of every year, shall report to the county board of elections of that county the name, county of residence, and residence address if available, of each individual against whom a final judgment of conviction of a felony has been entered in that county in the preceding calendar quarter. Any county board of elections receiving such a report about an individual who is a resident of another county in this State shall forward a copy of that report to the board of elections of that county as soon as possible.

(2) Report of Federal Conviction. — The Executive Secretary-Director of the State Board of Elections, upon receipt of a notice of conviction sent by a United States Attorney pursuant to section 8(g) of the National Voter Registration

Act, shall notify the appropriate county boards of elections of the conviction.

(3) County Board's Duty Upon Receiving Report of Conviction. — When a county board of elections receives a notice pursuant to subdivision (1) or (2) of this subsection relating to a resident of that county and that person is registered to vote in that county, the board shall, after giving 30 days' written notice to the voter at his registration address, and if the voter makes no objection, remove the person's name from its registration records. If the voter notifies the county board of elections of his objection to the removal within 30 days of the notice, the chairman of the board of elections shall enter a challenge under G.S. 163-85(c)(5), and the notice the county board received pursuant to this subsection shall be prima facie evidence for the preliminary hearing that the registrant was convicted of a felony.

(d) Change of Address. — A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:

(1) Gives confirmation in writing of a change of address for voting purposes out of the county. "Confirmation in writing" for purposes of this subdivision shall include:

a. A report to the county board from the Department of Transportation or from a voter registration agency listed in G.S. 163-82.20 that the voter has reported a change of address for voting purposes outside the county;

b. A notice of cancellation received under G.S. 163-82.9; or

c. A notice of cancellation received from an election jurisdiction outside the State.

(2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the notice:

a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current address;

b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in G.S. 163-82.6(c)(1); and

c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.

A county board shall send a confirmation mailing in accordance with this subdivision if the registrant remains on the list, the registrant has not voted in two successive presidential elections or in any election in between, and the county board has not confirmed the registrant's address by another means. The county board may send a confirmation mailing in accordance with this subdivision if the registrant has been identified as residing outside the county through change-of-address information supplied by the Postal Service through its licensees. (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 25, 28; c. 1223, s. 4; 1975, c. 395; 1977, c. 265, s. 3; 1981, c. 39, s. 1; c. 87, s. 1; c. 308, s. 1; 1983, c. 411, ss. 1, 2; 1985, c. 211, ss. 1, 2; 1987, c. 691, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.15. Change of address within the county.

(a) Registrant's Duty to Report. — No registered voter shall be required to re-register upon moving from one precinct to another within the same county. Instead, a registrant shall notify the county board of the change of address by the close of registration for an election as set out in G.S. 163-82.6(c). The registrant shall make the notification by means of a voter registration form as described in G.S. 163-82.3, or by another written notice, signed by the registrant, that includes the registrant's full name, former residence address, new residence address, and date of moving from the old to the new address.

(b) Verification of New Address by Mail. — When a county board of elections receives a notice that a registrant in that county has changed residence within the same county, the county board shall send a notice, by nonforwardable mail, to the registrant at the new address. The notice shall inform the registrant of any new precinct and voting place that will result from the change of address, and it shall state whether the registrant shall vote at the new voting place during the upcoming election or at a later election. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall either:

(1) Send a second notice by nonforwardable mail to the new address and, if it is returned as undeliverable, send to the registrant's old address a confirmation notice as described in G.S. 163-82.14(d)(2); or

(2) Send to the registrant's old address a confirmation notice as described in G.S. 163-82.14(d)(2) without first sending a second nonforwardable notice to the new address.

In either case, if the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

(c) Board's Duty to Make Change. — If the county board confirms the registrant's new address in accordance with subsection (b) of this section, the county board shall as soon as practical change the record to reflect the new address.

(d) Unreported Move Within the Same Precinct. — A registrant who has moved from one address to another within the same precinct shall, notwithstanding failure to notify the county board of the change of address before an election, be permitted to vote at the voting place of that precinct upon oral or written affirmation by the registrant of the change of address before a precinct official at that voting place.

(e) Unreported Move to Another Precinct Within the County. — If a registrant has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election and has failed to notify the county board of the change of address before the close of registration for that election, the county board shall permit that person to vote in that election. The county board shall permit the registrant described in this subsection to vote at the registrant's new precinct, upon the registrant's written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board. If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections. At the new precinct, the registrant shall be processed by a precinct transfer assistant, according to rules which shall be prescribed by the State Board of Elections.

(f) When Registrant Disputes Registration Records. — If the registration records indicate that the registrant has moved outside the precinct, but the registrant denies having moved from the address within the precinct previously shown on the records, the registrant shall be permitted to vote at the voting place for the precinct where the registrant claims to reside, if the registrant gives oral or written affirmation before a precinct official at that voting place.

(g) Precinct Transfer Assistants. — The county board of elections shall either designate a board employee or appoint other persons to serve as precinct transfer assistants to receive the election-day transfers of the voters described in subsection (e) of this section. In addition, board members and employees may perform the duties of precinct transfer assistants. The State Board of Elections shall promulgate uniform rules to carry out the provisions of this section, and shall define in those rules the duties of the precinct transfer assistant. (1979, c. 135, s. 2; 1983, c. 392, s. 2; 1984, Ex. Sess., c. 3, ss. 1, 2; 1987, c. 549, s. 1; 1989, c. 427; 1991, c. 12, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.16. Change of name.

(a) Registrant's Duty to Report. — If the name of a registrant is changed in accordance with G.S. 48-36, G.S. 50-12, or Chapter 101 of the General Statutes, or if a married registrant assumes the last name of the registrant's spouse, the registrant shall not be required to re-register, but shall report the change of name to the county board not later than the last day for applying to register to vote for an election in G.S. 163-82.6. The registrant shall report the change on a form described in G.S. 163-82.3 or on a voter registration card described in G.S. 163-82.8 or in another written statement that is signed, contains the registrant's full names, old and new, and the registrant's current residence address.

(b) Verification of New Name by Mail. — When a county board of elections receives a notice of name change from a registrant in that county, the county board shall send a notice, by nonforwardable mail, to the registrant's residence address. The notice shall state that the registrant's records will be changed to reflect the new name if the registrant does not respond that the name change is incorrect. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall send to the registrant's residence address a confirmation notice as described in G.S. 163-82.14(d)(2).

If the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

(c) Board's Duty to Make Change. — If the county board confirms the registrant's address in accordance with subsection (b) of this section and the registrant does not deny making the application for the name change, the county board shall as soon as practical change the record of the registrant's name to conform to that stated in the application.

(d) Unreported Name Change. — A registrant who has not reported a name change in accordance with subsection (a) of this section shall be permitted to vote if the registrant reports the name change to the chief judge at the voting place, or to the county board along with the voter's application for an absentee ballot. (1979, c. 480; 1981, c. 33, s. 3; 1989 (Reg. Sess., 1990), c. 991, s. 3; 1991 (Reg. Sess., 1992), c. 1032, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.17. Change of party affiliation.

(a) Registrant's Duty to Report. — Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration list shall, no later than the last day for making application to register under G.S. 163-82.6 before the election, indicate the change on an application form as described in G.S. 163-82.3 or on a voter registration card described in G.S. 163-82.8. No registrant shall be permitted to change party affiliation or unaffiliated status for a primary, second primary, or special or general election after the deadline for registration applications for that election as set out in G.S. 163-82.6.

(b) Verification of Affiliation Change by Mail. — When a county board of elections receives a notice of change of party affiliation or unaffiliated status from a registrant in that county, the county board shall send a notice, by nonforwardable mail, to the registrant's residence address. The notice shall state that the registrant's records will be changed to reflect the change of status if the registrant does not respond by stating that he does not desire a change in status. The notice shall also inform the registrant of the time that the change of affiliation status will occur, and shall explain the provisions of subsection (d) of this section. If the Postal Service returns the county board's notice to the registrant as undeliverable, the county board shall send to the registrant's residence address a confirmation notice as described in G.S. 163-82.14(d)(2). If the registrant does not respond to the confirmation notice as described in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).

(c) Board's Duty to Make Change. — If the county board confirms the registrant's address in accordance with subsection (b) of this section and the registrant does not deny making the application to change affiliated or unaffiliated status, the county board of elections shall as soon as practical change the record of the registrant's party affiliation, or unaffiliated status, to conform to that stated in the application. Thereafter the voter shall be considered registered and qualified to vote in accordance with the change, except as provided in subsection (d) of this section.

(d) Deadline to Change Status Before Primary. — If a registrant applies to change party affiliation or unaffiliated status later than the last day for applying to register under G.S. 163-82.6 before a primary, the registrant shall not be entitled to vote in the primary of a party in which the registrant's status on that last day did not entitle the registrant to vote.

(e) Authority of County Board or Supervisor to Make Correction. — If at any time the chairman or supervisor of elections of the county board of elections is satisfied that an error has been made in designating the party affiliation of any voter on the registration records, then the chairman or supervisor of elections of the county board of elections shall make the necessary correction after receiving from the voter a sworn statement as to the error and the correct status. (1939, c. 263, s. 6; 1949, c. 916, ss. 4, 8; 1953, c. 843; 1955, c. 800; c. 871, s. 3; 1957, c. 784, s. 5; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 30, 31; c. 1223, s. 5; 1975, c. 234, s. 2; 1977, c. 130, s. 1; c. 626, s. 1; 1981, c. 33, s. 4; c. 219, s. 4; 1983, c. 576, s. 4; 1987, c. 408, ss. 1, 6; 1989, c. 635, s. 2; 1991 (Reg. Sess., 1992), c. 1032, s. 4; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.18. Appeal from denial of registration.

(a) Right to Appeal. — Any applicant who receives notice of denial of registration pursuant to G.S. 163-82.7 may appeal the denial within five days after receipt of the notice of denial. The county board of elections shall promptly set a date for a public hearing. The notice of appeal shall be in writing and shall be signed by the appealing party, shall include the appealing party's name, date of birth, address, and reasons for the appeal.

(b) Hearing Before County Board of Elections. — The county board of elections shall set a date and time for a public hearing and shall notify the appealing party. Every person appealing to the county board of elections from denial of registration shall be entitled to a prompt and fair hearing on the question of the denied applicant's right and qualifications to register as a voter. All cases on appeal to a county board of elections shall be heard de novo.

Two members of the county board of elections shall constitute a quorum for the purpose of hearing appeals on questions of registration. The decision of a majority of the members of the board shall be the decision of the board. The board shall be authorized to subpoena witnesses and to compel their attendance and testimony under oath, and it is further authorized to subpoena papers and documents relevant to any matters pending before the board.

If at the hearing the board shall find that the person appealing from a denial of registration meets all requirements of law for registration as a voter in the county, the board shall enter an order directing that the appellant be registered and assign the appellant to the appropriate precinct. Not later than five days after an appeal is heard before the county board of elections, the board shall give written notice of its decision to the appealing party.

(c) Appeal to Superior Court. — Any person aggrieved by a final decision of a county board of elections denying registration may at any time within 10 days from the date on which he receives notice of the decision appeal to the superior court of the county in which the board is located. Upon such an appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard de novo in the superior court in the manner in which other civil actions are tried and disposed of in that court.

If the decision of the court is that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that the plaintiff is entitled to be registered as a qualified voter in the precinct in which he originally made application to register, and in such case the plaintiff's name shall be entered in the registration book of that precinct. The court shall not order the registration of any person in a precinct in which he did not apply to register prior to the proceeding in court.

From the judgment of the superior court an appeal may be taken to the appellate division in the same manner as other appeals are taken from judgments of that court in civil actions. (1957, c. 287, dd. 2-4; 1967, c. 775, s. 1; 1969, c. 44, s. 82; 1981, c. 542, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.19. Voter registration at drivers license offices.

The Division of Motor Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that any eligible person who applies for original issuance, renewal or correction of a drivers license, or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register to vote or to update his registration if the voter has changed his address or moved from one precinct to another or from one county to another. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9.

Registration shall become effective as provided in G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this section until the deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.

All applications shall be forwarded by the Department of Transportation to the appropriate board of elections not later than five business days after the date of acceptance, according to rules which shall be promulgated by the State Board of Elections. (1983, c. 854, s. 1; 1991 (Reg. Sess., 1992), c. 1044, s. 19(a); 1993, c. 74, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.20. Voter registration at other public agencies.

(a) Voter Registration Agencies. — Every office in this State which accepts:

(1) Applications for a program of public assistance under Article 2 of Chapter 108A of the General Statutes or under Article 13 of Chapter 130A of the General Statutes;

(2) Applications for State-funded State or local government programs primarily engaged in providing services to persons with disabilities, with such office designated by the State Board of Elections; or

(3) **(Expires January 1, 1996)** Claims for benefits under Chapter 96 of the General Statutes, the Employment Security Law,

is designated as a voter registration agency for purposes of this section.

(b) Duties of Voter Registration Agencies. — A voter registration agency described in subsection (a) of this section shall, unless the applicant declines, in writing, to register to vote:

(1) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance:
   a. The voter registration application form described in G.S. 163-82.3(a) or (b); or
   b. The voter registration agency's own form, if it is substantially equivalent to the form described in G.S. 163-82.3(a) or (b) and has been approved by the State Board of Elections, provided that the agency's own form may be a detachable part of the agency's paper application or may be a paperless computer process, as long as the applicant is required to sign an attestation as part of the application to register.

(2) Provide a form that contains the elements required by section 7(a)(6)(B) of the National Voter Registration Act; and

(3) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application as is provided by the office with regard to the completion of its own forms.

(c) **(Expires January 1, 1996)** Provided that voter registration agencies designated under subdivision (a)(3) of this section shall only be required to provide the services set out in this subsection to applicants for new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes, the Employment Security Law.

(d) Home Registration for Disabled. — If a voter registration agency provides services to a person with disability at the person's home, the voter registration agency shall provide the services described in subsection (b) of this section at the person's home.

(e) Prohibitions. — Any person providing any service under subsection (b) of this section shall not:

(1) Seek to influence an applicant's political preference or party registration, except that this shall not be construed to prevent the notice provided by G.S. 163-82.4(c) to be given if the applicant refuses to declare his party affiliation;

(2) Display any such political preference or party allegiance;

(3) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(f) Confidentiality of Declination to Register. — No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.

(g) Transmittal From Agency to Board of Elections. — Any voter registration application completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's mailing the application. Any such application so received shall be transmitted to the appropriate board of elections not later than five business days after acceptance, according to rules which shall be promulgated by the State Board of Elections.

(h) Twenty-Five-Day Deadline for an Election. — Applications to register accepted by a voter registration agency shall entitle a registrant to vote in any primary, general, or special election unless the registrant shall have made application later than the twenty-fifth calendar day immediately preceding such primary, general, or special election, provided that nothing shall prohibit voter registration agencies from continuing to accept applications during that period.

(i) Ineligible Applications Prohibited. — No person shall make application to register to vote under this section if that person is ineligible to vote on account of age, citizenship, lack of residence for the period of time provided by law, or because of conviction of a felony. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 73, provides in part: "G.S. 163-82.20(a)(3) and G.S. 163-82.20[(c)] as enacted in Section 2 of this act expire January 1, 1996."

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 16.2 provides for a Grant-in-Aid program for counties to offset costs associated with Article 7A of Chapter 160A [163] of the General Statutes, as enacted by 1993 Session Laws (Reg. Sess., 1994), c. 762, or with P.L. 103-31 (The National Voter Registration Act of 1993).

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.2 provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994-95 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994-95 fiscal year."

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 2 provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1994.'"

Subsections (b1) and (c) through (h) were redesignated as subsections (c) through (i) at the direction of the Revisor of Statutes.

§ 163-82.21. Voter registration at military recruitment offices.

The Executive Secretary-Director, jointly with the Department of Defense, shall develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States in compliance with section 7(c) of the National Voter Registration Act. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.22. Voter registration at public libraries.

Every library covered by G.S. 153A-272 shall make available to the public the application forms described in G.S. 163-82.3, and shall keep a sufficient supply of the forms so that they are always available. Every library covered by G.S. 153A-272 shall designate at least one employee to assist voter registration applicants in completing the form during all times that the library is open. (1975, c. 234, s. 1; 1977, c. 626, s. 1; 1983, c. 588, ss. 2, 3; c. 707; 1991 (Reg. Sess., 1992), c. 973, ss. 1, 2; c. 1044, s. 19(b); 1993, c. 74, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.23. Voter registration at public high schools.

Every public high school shall make available to its students and others who are eligible to register to vote the application forms described in G.S. 163-82.3, and shall keep a sufficient supply of the forms so that they are always available. A local board of education may, but is not required to, designate high school employees to assist in completing the forms. Only employees who volunteer for this duty may be designated by boards of education. (1975, c. 234, s. 1; 1977, c. 626, s. 1; 1983, c. 588, ss. 2, 3; c. 707; 1991 (Reg. Sess., 1992), c. 973, ss. 1, 2; c. 1044, s. 19(b); 1993, c. 74, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.24. Statewide training for election officials.

The State Board of Elections shall conduct training programs in election law and procedures. Every county elections supervisor shall receive training conducted by the State Board at least as often as required in the following schedule:

(1) Once during each odd-numbered year before the municipal election held in the county;
(2) Once during each even-numbered year before the first partisan primary; and
(3) Once during each even-numbered year after the partisan primaries but before the general election.

Every member of a county board of elections shall receive training conducted by the State Board at least once during the six months after the member's initial appointment and at least once again during the first two years of the member's service. The State Board of Elections shall promulgate rules for the training of precinct officials, which shall be followed by the county boards of elections. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.25. Mandated voter registration drive.

The Governor shall proclaim as Citizens Awareness Month the month designated by the State Board of Elections during every even-numbered year. During that month, the State Board of Elections shall initiate a statewide voter registration drive and shall adopt rules under which county boards of elections shall conduct the drives. Each county board of elections shall participate in the statewide voter registration drives in accordance with the rules adopted by the State Board. (1991 (Reg. Sess., 1992), c. 1044, s. 19(e); 1993 (Reg. Sess., 1994), c. 762, s. 2.)

§ 163-82.26. Rule-making authority.

The State Board of Elections shall promulgate rules necessary to implement the provisions of this Article. (1993 (Reg. Sess., 1994), c. 762, s. 2.)

ARTICLE 8.

Challenges.

§ 163-84. Time for challenge other than on day of primary or election.

The registration records of each county shall be open to inspection by any registered voter of the county, including any chief judge or judge of elections, during the normal business hours of the county board of elections on the days when the board's office is open. At those times the right of any person to register, remain registered, or vote shall be subject to objection and challenge. (1901, c. 89, s. 19; Rev., s. 4339; C.S., s. 5972; 1929, c. 164, s. 36; 1953, c. 843; 1955, c. 800; c. 871, s. 7; 1959, c. 616, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 33; 1993 (Reg. Sess., 1994), c. 762, s. 24.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73, provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first sentence and deleted "pursuant to G.S. 163-67" at the end of that sentence.

§ 163-85. Challenge procedure other than on day of primary or election.

(a) Right to Challenge; When Challenge May Be Made. — Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county. No such challenge may be made after the twenty-fifth day before each primary, general, or special election.

(b) Challenges Shall Be Made to the County Board of Elections. — Each challenge shall be made separately, in writing, under oath and on forms prescribed by the State Board of Elections, and shall specify the reasons why the challenged voter is not entitled to register, remain registered, or vote. When a challenge is made, the board of elections shall cause the word "challenged" to be written in pencil on the registration records of the voter challenged. The challenge shall be signed by the challenger and shall set forth the challenger's address.

(c) Grounds for Challenge. — Such challenge may be made only for one or more of the following reasons:

(1) That a person is not a resident of the State of North Carolina, or

(2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or

(3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or

(4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election, or

(5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. 163-55(2), or

(6), (7) Repealed by Session Laws 1985, c. 563, ss. 11.1, 11.2.

(7a) That a person is dead,

(8) That a person is not a citizen of the United States, or

(9) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered.

(d) Preliminary Hearing. — When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge. If the challenger presents evidence and if the board finds that probable cause exists that the person challenged is not qualified to vote, then the board shall schedule a hearing on the challenge.

(e) Prima Facie Evidence That Voter No Longer Resides in Precinct. — The presentation of a letter mailed by returnable first-class mail to the voter at the address listed on the voter registration card and returned because the person does not live at the address shall constitute prima facie evidence that the person no longer resides in the precinct. (1901, c. 89, s. 19; Rev., s. 4339; C.S., s. 5972; 1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973,

c. 793, s. 34; 1979, c. 357, s. 1; 1985, c. 563, ss. 11-11.2, 11.5; c. 589, s. 60; 1993 (Reg. Sess., 1994), c. 762, s. 25.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "twenty-fifth day" for "close of the registration books, pursuant to G.S. 163-67" in the second sentence of subsection (a).

CASE NOTES

Cited in Farnsworth v. Jones, 114 N.C. App. 182, 441 S.E.2d 597 (1994).

§ 163-86. Hearing on challenge.

CASE NOTES

Cited in Farnsworth v. Jones, 114 N.C. App. 182, 441 S.E.2d 597 (1994).

§ 163-87. Challenges allowed on day of primary or election.

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163-85(c), or
(2) That the person has already voted in that primary or election, or
(3) That the person presenting himself to vote is not who he represents himself to be.

On the day of a party primary, any voter of the precinct who is registered as a member of the political party conducting the primary may, at the time any registrant proposes to vote, challenge his right to vote upon the ground that he does not affiliate with the party conducting the primary or does not in good faith intend to support the candidates nominated in that party's primary, and it shall be the duty of the chief judge and judges of election to determine whether or not the challenged registrant has a right to vote in that primary according to the procedures prescribed in G.S. 163-88; provided that no challenge may be made on the grounds specified in the paragraph against an unaffiliated voter voting in the primary under G.S. 163-74(a1).

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S.163-82.15(e) may be challenged at the precinct to which the registration is being transferred. (1915, c. 101, s. 11; 1917, c. 218; C.S., s. 6031; 1921, c. 181, s. 6; 1923, c. 111, s. 14; 1929, c. 164, s. 36; 1953, c. 843; 1955, c. 800; c. 871, s. 7; 1959, c. 616, s. 2; c. 1203, s. 7; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1985, c. 563, ss. 11.4, 14; 1987, c. 408, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 26.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the third paragraph, and twice substituted "G.S. 163-82.15(e)" for "G.S. 163-72.3" in the last paragraph.

§ 163-88. Hearing on challenge made on day of primary or election.

A challenge entered on the day of a primary or election shall be heard and decided by the chief judge and judges of election of the precinct in which the challenged registrant is registered before the polls are closed on the day the challenge is made. When the challenge is heard the precinct officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State, and shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, and if, by sworn testimony, he shall prove his identity with the person in whose name he offers to vote and his continued residence in the precinct since he was registered, one of the judges of election or the chief judge shall tender to him the following oath or affirmation, omitting the portions in brackets if the challenge is heard on the day of an election other than a primary:

"You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 18 years of age [or will become 18 by the date of the next general election]; that you have [or will have] resided in this State and in the precinct for which registered for 30 days [by the date of the next general election]; that you are not disqualified from voting by the Constitution and laws of this State; that your name is ...., and that in such name you were duly registered as a voter of this precinct; that you are the person you represent yourself to be; [that you are affiliated with the .... party]; and that you have not voted in this [primary] election at this or any other voting place. So help you, God."

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the precinct officials conducting the hearing shall mark the registration records to reflect their decision, and they shall erase the challenged registrant's name from the pollbook if it has been entered therein. If the challenged registrant takes the tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he is a legal voter, they shall overrule the challenge and permit him to vote. Whenever any person's vote is received after having taken the oath prescribed in this section, the chief judge or one of the judges of election shall write on the registration record and on the pollbook opposite the registrant's name the word "sworn."

Precinct election officials conducting hearings on challenges on the day of a primary or election shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

A letter or postal card mailed by returnable mail and returned by the United States Postal Service purportedly because the person no longer lives at that address or because a forwarding order has expired shall not be admissible evidence in a challenge heard under this section which was made under G.S. 163-87. (1901, c. 89, s. 22; Rev., s. 4340; C.S., s. 5973; 1955, c. 871, s. 2; 1967, c. 775, s. 1; 1971, c. 1231, s. 1; 1973, c. 1223, s. 6; 1985, c. 380, ss. 1, 1.1; 1993 (Reg. Sess., 1994), c. 762, s. 27.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first and last sentences of the first paragraph and in the last sentence of the paragraph following the oath.

§ 163-88.1. Request for challenged ballot.

(a) If the decision of the chief judge and judges pursuant to G.S. 163-88 is to sustain the challenge, the challenged voter may request a challenged ballot by submitting an application to the chief judge, such application shall include as part thereof an affidavit that such person possesses all the qualifications for voting and is entitled to vote at the election. The form of such affidavit shall be prescribed by the State Board of Elections and shall be available at the polls.

(b) Any person requesting a challenged ballot shall have the letter "C" entered at the appropriate place on the voter's permanent registration record. The voter's name shall be entered on a separate page in the pollbook entitled "Challenged Ballot," and serially numbered. The challenged ballot shall be the same type of ballot used for absentee voters, and the chief judge shall write across the top of the ballot "Challenged Ballot # .....," and shall insert the same serial number as entered in the pollbook. The chief judge shall deliver to such voter a challenged ballot together with an envelope marked "Challenged Ballot" and serially numbered. The challenged voter shall forthwith mark the ballot in the presence of the chief judge in such manner that the chief judge shall not know how the ballot is marked. He shall then fold the ballot in the presence of the chief judge so as to conceal the markings and deposit and seal it in the serially numbered envelope. He shall then deliver such envelope to the chief judge. The chief judge shall retain all such envelopes in an envelope provided by the county board of elections, which he shall seal immediately after the polls close, and deliver to the board chairman at the canvass.

(c) The chairman of the county board of elections shall preserve such ballots in the sealed envelopes for a period of six months after the election. However, in the case of a contested election, either party to such action may request the court to order that the sealed envelopes containing challenged ballots be delivered to the board of elections by the chairman. If so ordered, the board of elections shall then convene and consider each challenged ballot and rule as to which ballots shall be counted. In such consideration, the board may take such further evidence as it deems necessary, and shall have the power of subpoena. If any ballots are ordered to be counted, they shall be added to the vote totals. (1979, c. 357, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 28.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" throughout subsections (a) and (b).

§ 163-89. Procedures for challenging absentee ballots.

(a) Time for Challenge. — The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-251(b).

(b) Who May Challenge. — Any registered voter of the same precinct as the absentee voter may challenge that voter's absentee ballot.

(c) Form and Nature of Challenge. — Each challenged absentee ballot shall be challenged separately. The burden of proof shall be on the challenger. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the ballot does not comply with the provisions of this Article or why the absentee voter is not legally entitled to vote in the particular primary or election. The challenge shall be signed by the challenger.

(d) To Whom Challenge Addressed; to Whom Challenge Delivered. — Each challenge shall be addressed to the county board of elections. It may be filed with the board at its offices or with the chief judge of the precinct in which the challenger and absentee voter are registered. If it is delivered to the chief judge, the chief judge shall personally deliver the challenge to the chairman of the county board of elections on the day of the county canvass.

(e) Hearing Procedure. — All challenges filed under this section shall be heard by the county board of elections on the day set for the canvass of the returns. All members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.

Before the board hears a challenge to an absentee ballot, the chairman shall mark the word "challenged" after the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters.

The board then shall hear the challenger's reasons for the challenge, and it shall make its decision without opening the container-return envelope or removing the ballots from it.

The board shall have authority to administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the chairman shall mark the word "sustained" after the word "challenged" following the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters; the voter's ballots shall not be counted; and the container-return envelope shall not be opened but shall be marked "Challenge Sustained." All envelopes so marked shall be preserved intact by the chairman for a period of six months from canvass day or longer if any contest then is pending concerning the validity of any absentee ballot.

If the challenge is overruled, the absentee ballots shall be removed from the container-return envelopes and counted by the board of elections, and the board shall adjust the appropriate abstracts of returns to show that the ballots have been counted and tallied in the manner provided for unchallenged absentee ballots.

If the challenge was delivered to the board by the chief judge of the precinct and was sustained, the board shall reopen the appropriate ballot boxes, remove such ballots, determine how those ballots were voted, deduct such ballots from the returns, and adjust the appropriate abstracts of returns.

Any voter whose ballots have been challenged may, either personally or through an authorized representative, appear before the board at the hearing on the challenge and present evidence as to the validity of the ballot. (1939, c. 159, ss. 8, 9; 1945, c. 758, s. 8; 1953, c. 1114; 1963, c. 547, s. 8; 1965, c. 871; 1967, c. 775, s. 1; 1973, c. 536, s. 4; 1993 (Reg. Sess., 1994), c. 762, s. 29.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" once in subsection (a), three times in subsection (d), and once in the seventh paragraph of subsection (e), and substituted "G.S. 163-232" for "G.S. 163-233" in subsection (a).

SUBCHAPTER IV. POLITICAL PARTIES.

ARTICLE 9.

Political Party Definition.

§ 163-96. "Political party" defined; creation of new party.

CASE NOTES

Cited in Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

SUBCHAPTER V. NOMINATION OF CANDIDATES.

ARTICLE 10.

Primary Elections.

§ 163-104. Primaries governed by general election laws; authority of State Board of Elections to modify time schedule.

CASE NOTES

Cited in Republican Party v. Martin, 980 F.2d 943 (4th Cir. 1992); Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

§ 163-105. Payment of expense of conducting primary elections.

The expense of printing and distributing the poll and registration books, blanks, and ballots for those offices required by G.S. 163-109(b) to be furnished by the State, and the per diem and expenses of the State Board of Elections while engaged in the discharge of primary election duties imposed by law upon that Board, shall be paid by the State.

The expenses of printing and distributing the ballots for those offices required by G.S. 163-109(c) to be furnished by counties, and the per diem (or salary) and expenses of the county board of elections and the chief judges and judges of election, while engaged in the discharge of primary election duties imposed by law upon them, shall be paid by the counties. (1915, c. 101, s. 7; 1917, c. 218; C.S., s.

6026; 1927, c. 260, s. 21; 1933, c. 165, s. 14; 1967, c. 775, s. 1; 1985, c. 563, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 30.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" in the second paragraph.

§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.

(a) Notice and Pledge. — No one shall be voted for in a primary election unless he shall have filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

"Date ....

I hereby file notice as a candidate for nomination as .... in the .... party primary election to be held on ...., 19..... I affiliate with the .... party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the .... party.)

I pledge that if I am defeated in the primary, I will not run for any office as a write-in candidate in the next general election.

Signed ....
Name of candidate

Witness:
....
....
(Title of witness)"

Each candidate shall sign his notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which he files. In the alternative, a candidate may have his signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail his notice of candidacy to the appropriate board of elections.

In signing his notice of candidacy the candidate shall use only his legal name and, in his discretion, any nickname by which he is commonly known. A candidate may also, in lieu of his legal first name and legal middle initial or middle name (if any) sign his nickname, provided that he appends to the notice of candidacy an affidavit that he has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way his name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate himself shall be invalid.

Prior to the date on which candidates may commence filing, the State Board of Elections shall print and furnish, at State expense, to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

(b) Eligibility to File. — No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary he is attempting to file. No person who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which he changed unless he has been affiliated with the political party in which he seeks to be a candidate for at least 90 days prior to the filing date for the office for which he desires to file his notice of candidacy.

A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party primary election.

(c) Time for Filing Notice of Candidacy. — Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

State Senators
Members of the State House of Representatives
All county offices.

(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. — In any primary in which there are two or more vacancies for Chief Justice and associate justices of the Supreme Court, two or more vacancies for judge of the Court of Appeals, or two vacancies for United States Senator from North Carolina or two or more vacancies for the office of district court judge to be filled by nominations, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which he seeks nomination. Votes cast for a candidate shall be effective only for his nomination to the vacancy for which he has given notice of candidacy as provided in this subsection.

A person seeking party nomination for a specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the specialized judgeship to which he seeks nomination.

(e) Withdrawal of Notice of Candidacy. — Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this section. If a candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall be counted, and he shall not be refunded his filing fee.

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the supervisor of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed his affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or supervisor shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

(g) When any candidate files a notice of candidacy with a county board of elections under subsection (c) of this section or under G.S. 163-291(2), the chairman or supervisor of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy of any person who is not eligible under subsection (c) of this section. The Board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on him by the sheriff.

(h) No person may file a notice of candidacy for more than one office described in subsection (c) of this section for any one election. If a person has filed a notice of candidacy with a board of elections under this section for one office, then a notice of candidacy may not later be filed for any other office under this section when the election is on the same date unless the notice of candidacy for the first office is withdrawn under subsection (e) of this section; provided that this subsection shall not apply unless the deadline for filing notices of candidacy for both offices is the same. Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13.

(i) No person may file a notice of candidacy for superior court judge unless that person is at the time of filing the notice of candidacy a resident of the judicial district as it will exist at the time the person would take office if elected. No person may be nominated as a superior court judge under G.S. 163-114 unless that person is at the time of nomination a resident of the judicial district as it will exist at the time the person would take office if elected. This subsection implements Article IV Section 9(1) of the North Carolina Constitution which requires regular Superior Court Judges to reside in the district for which elected. (1915, c. 101, ss. 6, 15; 1917, c. 218; C.S., ss. 6022, 6035; 1921, c. 217; 1923, c. 111, s. 13; C.S., s. 6055(a); 1927, c. 260, s. 19; 1929, c. 26, s. 1; 1933, c. 165, s. 12; 1937, c. 364; 1947, c. 505, s. 7; 1949, c. 672, s. 4; c. 932; 1951, c. 1009, s. 3; 1955, c. 755; c. 871, s. 1; 1959, c. 1203, s. 4; 1965, c. 262; 1967, c. 775, s. 1; c. 1063, s. 2; 1969, c. 44, s. 83; c. 1190, s. 56; 1971, cc. 189, 675, 798; 1973, c. 47, s. 2; c. 793, s. 36; c. 862; 1975, c. 844, s. 2; 1977, c. 265, ss. 4, 5; c. 408, s. 2; c. 661, ss. 2, 3; 1979, c. 24; c. 411, s. 5; 1981, c. 32, ss. 1, 2; 1983, c. 330, s. 1; 1985, c. 472, s. 2; c. 558, s. 1; c. 759, s. 6; 1985 (Reg. Sess., 1986), c. 957, s. 1; 1987, c. 509, s. 13; 1987 (Reg. Sess., 1988), c. 1028, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 31.)

Editor's Note. —

Session Laws 1991, Ex. Sess., c. 1, ss. 1-3, as amended by Session Laws 1991, Ex. Sess., c. 3, s. 1, and Session Laws 1991, Ex. Sess., c. 9, s. 1, provide:

"Section 1. Notwithstanding any other provisions of law, the filing of notices of candidacy for 1992 only for:

"(1) Primary elections for all offices; and

"(2) Elections for all other offices conducted on the day of the primary shall be postponed and conducted in accordance with Section 2 of this act, except that nominations under the Presidential Preference Primary Act shall be made as if this act had not been enacted, and except that filing of notices of candidacy for any non-partisan election held on May 5, 1992, where there is a primary earlier in 1992, shall be made as if this act had not been enacted, and except that this act does not affect the filing period for Mayor and City Council of the City of High Point as established by Section 1 of Chapter 40 of the 1991 Session Laws.

"Sec. 2. Notices of candidacy shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 10, 1992, and no later than 12:00 noon on Monday, March 2, 1992, except that if a plan for districting the:

"(1) North Carolina House of Representatives is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the North Carolina House of Representatives shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and not later than 12:00 noon on Monday, March 2, 1992;

"(2) North Carolina Senate is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the North Carolina Senate shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and no later than 12:00 noon on Monday, March 2, 1992; or

"(3) United States House of Representatives is approved after Thursday, February 6, 1992, but before Saturday, February 15, 1992, notices of candidacy for the United States House of Representatives shall be filed with the appropriate board of elections no earlier than 12:00 noon on Monday, February 17, 1992, and no later than 12:00 noon on Monday, March 2, 1992.

"Sec. 3. In the event that this act is not approved under Section 5 of the Voting Rights Act of 1965 by 12:00 noon on January 6, 1992, but is approved thereafter, all candidate filing during the regular filing period beginning January 6, 1992, and ending when this act is approved under Section 5 of the Voting Rights Act of 1965 is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded."

Session Laws 1991, Ex. Sess., c. 1, s. 4, and Session Laws 1991, Ex. Sess., c. 9, s. 2, provide "The Executive Secretary-Director of the State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable - 1992, setting out the applicable filing period for candidates along with all other pertinent dates relative to the primary election timetable for primary elections as modified by this act.

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Section 3 of Session Laws 1991, Ex. Sess., c. 9 provides that the act is effective February 3, 1992, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "G.S. 163-82.17" for "G.S. 163-74(b)" in the second sentence of subsection (b).

CASE NOTES

Timeliness of Motion to Enjoin Elections. — Plaintiffs initiated motion to enjoin judicial elections prior to the inception of the electoral process, providing the court the opportunity to effectively remedy any defect prior to significant and potentially detrimental reliance on the present electoral scheme by defendants and potential candidates. Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

Harm to Political Party Justified Preliminary by Injunction. — Plaintiffs, political party, made a sufficient showing that they had been and would continue to be irreparably harmed by the present superior court electoral process, and because corresponding harm to defendants upon the granting of this provisional relief was minor, plaintiff's motion for preliminary injunction modifying superior court elections was granted. Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

Cited in Republican Party v. Martin, 980 F.2d 943 (4th Cir. 1992).

§ 163-107. Filing fees required of candidates in primary; refunds.

Editor's Note. — Session Laws 1994, Extra Session, c. 1, s. 5 provides: "Notices of candidacy for 1994 validly filed in:

"(1) Superior Court Districts 3B, 9, 9A, 10A, 15A, 17B, 20B, 25B, and 27B prior to the filing deadline of February 18, 1994;

"(2) Prosecutorial Districts 9 and 17A prior to the filing deadline of February 7, 1994; and

"(3) District Court District 17A prior to the filing deadline of February 7, 1994

"are not voided, but shall continue to apply. Except as to Superior Court District 9, Prosecutorial Districts 9 and 17A, and District Court District 17A, they may, however, be withdrawn as provided in G.S. 163-106(e) if such withdrawal is made before the filing deadline established by this act, and in such case the filing fee shall be refunded as provided by G.S. 163-107(b). Provided, that notices of candidacy in District Court District 17A for the seat which is reallocated from District 17A to District 9A by Section 200.4(f) of Chapter 321 of the

1993 Session Laws are voided, and that person's filing fee shall be credited to any new filing under this act or refunded if the candidate does not file or is not eligible to file."

Session Laws 1994, Extra Session, c. 1, s. 6 provides: "This act is effective upon ratification [February 17, 1994], but may not be enforced except as provided by section 5 of the Voting Rights Act of 1965."

§ 163-107.1. Petition in lieu of payment of filing fee.

Local Modification. — Anson County Bd. of Commissioners: 1991 (Reg. Sess., 1992), c. 781, s. 10 (but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965).

Editor's Note. — Session Laws, 1991, Ex. Sess., c. 1, s. 8, provides: "For the 1992 primary election only, as well as any other elections conducted on that date, G.S. 163-107.1 shall be applied by:

"(1) Substituting '12:00 noon on Wednesday' for '12:00 noon on Monday' in subsections (b) and (c);

"(2) Substituting 'at least 9 days' for 'at least 15 days' in subsections (b) and (c); and

"(3) Substituting '10 days prior' for '60 days prior' in subsection (d)."

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

Session Laws 1994, Extra Session, c. 1, s. 4(a) provides that the provisions of G.S. 163-107.1 do not apply to any offices covered by c. 1 (positions as superior court judge, district court judge, and district attorney in certain Districts) in the 1994 primary.

Session Laws 1994, Extra Session, c. 1, s. 6 provides: "This act is effective upon ratification [February 17, 1994], but may not be enforced except as provided by section 5 of the Voting Rights Act of 1965."

§ 163-109. Primary ballots; printing and distribution.

(a) General. — In primary elections there shall be as many kinds of official State, district, and county ballots as there are legally recognized political parties, members of which have filed notice of their candidacy for nomination. The ballots for each political party shall be printed to conform to the requirements of G.S. 163-140(c) and to show the party's name, the name of each party member who has filed notice of candidacy, and the office for which each aspirant is a candidate.

Only those who have filed the required notice of candidacy and pledge with the proper board of elections, and who have paid the required filing fee, shall have their names printed on the official ballots of the political party with which affiliated.

(b) Ballots to Be Furnished by State Board of Elections. — It shall be the duty of the State Board of Elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

United States Senator,
Member of the House of Representatives of the United States Congress,
Governor, and

All other State offices, except superior court judge, district court judge, and district attorney.

In its discretion, the State Board of Elections may print separate primary ballots for each of these offices, or it may combine some or all of them on a single ballot.

At least 60 days before the date of the primary, the State Board of Elections shall deliver a sufficient number of these ballots to each county board of elections. The chairman of the county board of elections shall furnish the chairman of the State Board of Elections with a written receipt for the ballots delivered to him within two days after their receipt.

(c) Ballots to Be Furnished by County Board of Elections. — It shall be the duty of the county board of elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

Superior court judge,
District court judge,
District attorney,
State Senator,
Member of the House of Representatives of the General Assembly, and
All county offices.

In printing primary ballots, the county board of elections shall be governed by instructions of the State Board of Elections with regard to width, color, kind of paper, form, and size of type.

In its discretion, the county board of elections may print separate primary ballots for the district and county offices listed in this subsection, or it may combine some or all of them on a single ballot. In a primary election, if there shall be 10 or more candidates for nomination to any one office, the county board of elections in its discretion may prepare a separate ballot for said office.

Three days before the primary election, the chairman of the county board of elections shall distribute official State, district, and county ballots to the chief judge of each precinct in his county, and the chief judge shall give him a receipt for the ballots received. On the day of the primary it shall be the chief judge's duty to have all the ballots delivered to him available for use at the precinct voting place.

(d) Repealed by Session Laws 1977, c. 265, s. 8. (1915, c. 101, ss. 8, 17; 1917, c. 218; C.S., ss. 6028, 6037; 1927, c. 260, s. 22; 1933, c. 165, s. 16; 1966, Ex. Sess., c. 5, ss. 8, 10; 1967, c. 775, s. 1; c. 1063, s. 3; 1973, c. 793, ss. 39-41; 1977, c. 265, ss. 7, 8; 1979, c. 411, s. 6; 1993 (Reg. Sess., 1994), c. 762, s. 32.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" twice and "chief judge's" for "registrar's" in the last paragraph of subsection (c).

CASE NOTES

Stated in Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

§ 163-111. Determination of primary results; second primaries.

Local Modification. — By virtue of Session Laws 1993, c. 96, s. 1, effective June 1, 1993, Perquimans should be stricken from the main volume.

For additional local modifications to this section, see the main pamphlet.

Editor's Note. — Session Laws 1993, c. 96, s. 9 provides that the act is effective upon ratification (June 1, 1993) but shall not be implemented until precleared pursuant to Section 5 of the federal Voting Rights Act.

§ 163-112. Death of candidate before primary; vacancy in single office.

(a) Death of One of Two Candidates within 30 Days after the Filing Period Closes. — If at the time the filing period closes, only two persons have filed notice of candidacy for nomination by a political party to a single office, and one of the candidates dies within 30 days after the filing period closes, then the proper board of elections shall, upon notice of the death, reopen the filing period for that party contest, for an additional three days. Should no candidate file during the three days, the board of elections shall certify the remaining candidate as the nominee of his party as provided in G.S. 163-110.

(b) Death of One of More Than Two Candidates within 30 Days after the Filing Period Closes. — If at the close of the filing period more than two candidates have filed for a single office, and within 30 days after the filing period closes the board of elections receives notice of a candidate's death, the board shall immediately open the filing period for that party contest, for three additional days in order for candidates to file for that office. The name of the deceased candidate shall not be printed on the ballot.

In the event a candidate's death occurs more than 30 days after the closing of the original filing period, the names of the remaining candidates shall be printed on the ballot. If the ballots have been printed at the time death occurs, the ballots shall not be reprinted and any votes cast for a deceased candidate shall not be counted or considered for any purpose. In the event the death of a candidate or candidates leaves only one candidate, then such candidate shall be certified as the party's nominee for that office.

(c) Vacancy in Group Offices within 30 Days after the Filing Period Closes. — If at the time the filing period closes more persons have filed notice of candidacy for nomination by a political party to an office constituting a group than there are positions to be filled, and a candidate or candidates die within 30 days after the filing period closes, and there remains only the number of candidates equal to or fewer than the number of positions to be filled, the appropriate board of elections shall reopen the filing period for that party contest, for three days for that office. Should no persons file during the three-day period, then those candidates already filed shall be certified as the party nominees for that office.

(d) Vacancy in Group Offices More Than 30 Days after the Filing Period Closes. — In the event a candidate or candidates death occurs more than 30 days after the original filing period closes for an office constituting a group, then regardless of the number of candidates filed for nomination, the board of elections shall be governed as follows:

(1) If the ballots have not been printed at the time the board of elections receives notice of the death, the deceased candidate's name shall not be printed on the ballot.

(2) If the ballots have been printed at the time the board of elections receives notice of the death, the ballots shall not be reprinted but votes cast for the deceased candidate shall not be counted for any purpose.

(3) In the event the death of a candidate or candidates results in the number of candidates being equal to or less than the number of positions to be filled for that office, then the remaining candidates shall be certified as the party nominees for that office and no primary shall be held for that office.

(4) If death, resignation or disqualification of candidates results in the number of candidates being less than the number of positions to be filled for that office, then the appropriate party executive committee shall, in accordance with G.S. 163-114, make nominations of persons equal to the number of positions to be filled and no primary shall be held and those names shall be printed on the general election ballot. (1959, c. 1054; 1967, c. 775, s. 1; 1981, c. 434; 1993, c. 553, s. 60.)

Local Modification. — Anson County Bd. of Commissioners: 1991 (Reg. Sess., 1992), c. 781, s. 6 (but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965).

Editor's Note. — Session Laws 1991, Ex. Sess., c. 1, s. 5 provides: "For the 1992 primary elections only, G.S. 163-112 shall be applied by substituting '10 days' for '30 days' wherever it appears".

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

Effect of Amendments. — The 1993 amendment, effective July 24, 1993, in the first sentence of subsection (c) substituted "die" for "dies".

§ 163-119. Voting by unaffiliated voter in party primary.

If a political party has, by action of its State Executive Committee reported to the State Board of Elections by resolution delivered no later than the first day of December preceding a primary, provided that unaffiliated voters may vote in the primary of that party, an unaffiliated voter may vote in the primary of that party by announcing that intention under G.S. 163-150(a). For a party to withdraw its permission, it must do so by action of its State Executive Committee, similarly reported to the State Board of Elections no later than the first day of December preceding the primary where the withdrawal is to become effective. (1993 (Reg. Sess., 1994), c. 762, s. 7.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 7 was codified as this section at the direction of the Revisor of Statutes.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73, made this section effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

ARTICLE 11.

Nomination by Petition.

§ 163-122. Unaffiliated candidates nominated by petition.

Local Modification. — Anson County Bd. of Commissioners: 1991 (Reg. Sess., 1992), c. 781, s. 6 (but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965).

ARTICLE 11A.

Resign-to-Run.

§ 163-125. Resignation required from one office to run for another in certain cases.

CASE NOTES

Subsection (a) Held Unconstitutional. — Subsection (a) of this section imposes an unconstitutional additional qualification for election to office, contrary to the provisions of N.C. Const., Art. VI, § 6. Moore v. Knightdale Bd. of Elections, 331 N.C. 1, 413 S.E.2d 541 (1992).

SUBCHAPTER VI. CONDUCT OF PRIMARIES AND ELECTIONS.

ARTICLE 12.

Precincts and Voting Places.

§ 163-128. Election precincts and voting places established or altered.

(a) Each county shall be divided into a convenient number of precincts for the purpose of voting, and there shall be at least one precinct encompassed within the territory of each township; provided, however, that upon a resolution adopted by the county board of elections and approved by the Secretary-Director of the State Board of Elections voters from a given precinct within a township may be temporarily transferred, for the purpose of voting, to a precinct in an adjacent township. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer. When such a resolution has been adopted by the county board of elections to assign voters from more than one township to the same precinct, then the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the township in which such voters reside. Except as provided in G.S. 163-132.2(a)(1), the polling place for a precinct shall be located within the precinct.

Except as provided by Article 12A of this Chapter, the county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts or voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give 45 days' notice thereof prior to the next primary or election. Notice shall be given by advertisement in a newspaper having general circulation in the county, by posting a copy of the resolution at the courthouse door, and by mailing a copy of the resolution to the chairman of every political party in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

(b) Each county board of elections shall prepare a map of the county on which the precinct boundaries are drawn or described, shall revise the map when boundaries are changed, and shall keep a copy of the current map on file and posted for public inspection at the office of the Board of Elections, and shall file a copy with the State Board of Elections. (Rev., s. 4313; 1913, c. 53; C.S., s. 5934; 1921, c. 180; 1933, c. 165, s. 3; 1967, c. 775, s. 1; 1969, c. 570; 1973, c. 793, ss. 51-53; 1975, c. 798, s. 2; 1979, c. 785; 1981, c. 515, s. 1; 1985, c. 757, s. 205(b); 1989, c. 93, s. 4; c. 440, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 33.)

Local Modification. — Buncombe: 1993, c. 72, s. 2 (effective May 24, 1993 to July 1, 1994); Montgomery: 1991 (Reg. Sess., 1992), c. 866.

For additional local modifications to this section, see the main pamphlet.

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "45 days' notice thereof prior to the next primary or election" for "20 days' notice thereof prior to the date on which the registration books or records next close pursuant to G.S. 163-67" in the second sentence of the second paragraph of subsection (a).

§ 163-129. Structure at voting place; marking off limits of voting place.

At the voting place in each precinct established under the provisions of G.S. 163-128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, or any other building, or a part thereof, which is supported or maintained, in whole or in part by or through tax revenues provided, however, that this section shall not be construed to permit any board of elections to demand and use any tax exempt church property for such purposes without the express consent of the individual church involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes.

The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes, and shall direct the chief judge and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it or by marking its boundaries. The boundaries of the voting place shall at any point lie no more than 100 feet from each ballot box or voting machine. The space so roped off or enclosed or marked for the voting place may contain area both inside and outside the structure in which registration and voting are to take place. (1929, c. 164, s. 17; 1967, c. 775, s. 1; 1973, c. 793, s. 54; 1983, c. 411, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 34.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first sentence of the second paragraph.

§ 163-130. Satellite voting places.

A county board of elections may, upon approval of a request submitted in writing to the State Board of Elections, establish a plan whereby elderly or disabled voters in a precinct may vote at designated sites within the precinct other than the regular voting place for that precinct. The State Board of Elections shall approve a county board's proposed plan if:

(1) All the satellite voting places to be used are listed in the county's written request;

(2) The plan will in the State Board's judgment overcome a barrier to voting by the elderly or disabled;

(3) Adequate security against fraud is provided for; and

(4) The plan does not unfairly favor or disfavor voters with regard to race or party affiliation. (1991 (Reg. Sess., 1992), c. 1032, s. 10.)

Editor's Note. — Session Laws 1991 (Reg. Sess., 1992), c. 1032, s. 11 made this section effective January 31, 1993.

ARTICLE 12A.

Precinct Boundaries.

§ 163-132.1. Participation in Block Boundary Suggestion Program of the United States Bureau of the Census.

The State of North Carolina shall participate in the Block Boundary Suggestion Program of the United States Bureau of the Census to the end that the maps the Census Bureau will use in the 2000 Census will contain adequate features to permit reporting of Census data by precinct for use in the 2001 redistricting efforts. Not later than December 1, 1995, the Legislative Services Office shall send preliminary maps produced by the Census Bureau in preparation for the 2000 Census to the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a physical feature, a current township boundary, or a current municipal boundary, as shown on those preliminary 2000 Census maps. The Legislative Services Office shall:

(1) Assist county boards of elections in identifying the precincts with boundaries not shown on the preliminary Census maps and in identifying physical features the county boards may wish to have available for future precinct boundaries;

(2) Place those boundaries and features on maps deemed appropriate by the State Board;

(3) Request the U.S. Census Bureau to hold for census block identification in the 2000 U.S. Census all physical features the county boards have identified as current or potential precinct boundaries; and

(4) Request the U.S. Census Bureau to hold for census block identification in the 2000 U.S. Census all other physical features already on U.S. Census Bureau maps.

In addition to the directives promulgated by the Executive Secretary-Director of the State Board of Elections under G.S. 163-132.4, the Legislative Services Commission may promulgate rules to implement this section. (1985, c. 757, s. 205(a); 1987, c. 1074, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 69.)

Editor's Note. — This section, which was enacted by Session Laws 1985, c. 757, s. 205(a) and repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1074, s. 2, was reenacted and rewritten by Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 69, effective upon ratification and applicable to all primaries and elections occurring on or after the date of ratification. Session Laws 1993 (Reg. Sess., 1994), c. 762 was ratified July 16, 1994.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

§ 163-132.1A. Precinct boundaries for certain counties.

(a) The boundaries of precincts for the counties listed in subsection (b) of this section are those recorded in the Legislative Services Office's automated redistricting system as of May 1, 1991, except as changed in accordance with G.S. 163-132.3, and except in Caldwell County, the boundaries of Lenoir #3, North Catawba, Gamewell #1, and Gamewell #2 Precincts shall be as provided on the precinct map of the county adopted by the Caldwell County Board of Elections and in effect on January 1, 1992, unless changed in accordance with G.S. 163-132.3.

(b) This section shall apply only to the following counties: Alamance, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Chowan, Cleveland, Craven, Cumberland, Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Granville, Guilford, Halifax, Harnett, Henderson, Iredell, Johnston, Jones, Lenoir, Mecklenburg, Nash, New Hanover, Onslow, Orange, Pender, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Surry, Union, Wake, Washington, Wayne, Wilkes, Wilson, and Yancey. (1991 (Reg. Sess., 1992), c. 927, s. 1.)

Local Modification. — Buncombe: 1993, c. 72, s. 1 (effective May 24, 1993 to July 1, 1994).

Editor's Note. — Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 6 made this section effective July 1, 1992.

Section 3 of Session Laws 1991 (Reg. Sess., 1992), c. 927 provides: "The Legislative Services Commission may use funds otherwise available to implement the provisions of Section 1 of this act [which enacted this section] for which the Legislative Services Office is responsible."

Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 5 provides: "Notwithstanding the provisions of G.S. 163-132.3, as amended by Section 1 of this act, the validity of the boundaries of a precinct of a county subject to G.S. 163-132.1A which consists of noncontiguous territory as of January 1, 1992, shall not be affected by provisions of G.S. 163-132.3; provided, however, that any change to the boundaries of that precinct after that date shall be subject to G.S. 163-132.3, as amended by this act. Notwithstanding the preceding sentence, not later than January 1, 1997, the relevant county board of elections shall change any nonconforming precinct to eliminate noncontiguous territory in a precinct."

§ 163-132.2. Precinct boundaries for other counties.

(a) The Legislative Services Office shall send as directed by the schedule contained in subsection (g) of this section the relevant copies of the United States Census Bureau's official census block maps of the 1990 United States Census to each county board of elections. The county board of elections shall:

(1) Alter, where necessary, precinct boundaries to be coterminous with those of:
   a. Townships, as certified by the county manager, or the chairman of the board of county commissioners if there is not a county manager, on the official map of the county;
   b. The census blocks established under the latest U.S. Census;
   c. The following visible physical features, readily distinguishable upon the ground:
      1. Roads or streets;
      2. Water features or drainage features;
      3. Ridgelines;
      4. Ravines;
      5. Jeep trails;
      6. Rail features;
      7. Above-ground power lines; or
      8. Major footpaths

      as certified by the North Carolina Department of Transportation on its highway maps or the county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners, on official county maps.
   d. Municipalities, as certified by the city clerk on the official map of the city; or
   e. A combination of these boundaries;

   Provided that if, as a result of the alteration, the polling place is no longer in the precinct, it may continue to be the polling place as long as the lot or tract on which the polling place is situated adjoins the precinct;

(1a) Alter, where necessary, precinct boundaries so that each precinct is composed solely of contiguous territory;

(2) Mark all precinct boundaries on the maps sent by the Legislative Services Office, showing the precinct boundaries in effect as of the time of marking, but with any changes effective at a later time as provided by subsection (d) of this section; and

(3) File, at a time deemed necessary by the Executive Secretary-Director of the State Board of Elections, with the State Board and the Legislative Services Office the maps identifying the precinct boundaries. The Executive Secretary-Director may require a county board of elections to file a written description of the boundaries of any precinct or part thereof.

(b) The Executive Secretary-Director of the State Board of Elections and the Legislative Services Office shall examine the returned maps and their written descriptions. After its examination of the maps and their written descriptions, the Legislative Services

Office shall submit to the Executive Secretary-Director of the State Board of Elections its opinion as to whether the county board of elections has complied with the provisions of subsection (a) of this section, with notations as to where those boundaries do not comply with these standards. If the Executive Secretary-Director of the State Board determines that the county board of elections has complied with the provisions of subsection (a) of this section, the Executive Secretary-Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c) If the Executive Secretary-Director of the State Board determines that the county board of elections has not complied with the provisions of subsection (a) of this section, he shall not approve those precinct boundaries but shall alter the precinct boundaries so that each precinct consists solely of contiguous territory and that each precinct's boundaries are coterminous with those boundaries set forth in subsection (a)(1) of this section nearest to those existing precinct boundaries. These altered precincts shall then be the official precincts.

(d) The changes in precinct boundaries under subsections (b) and (c) of this section shall be made effective not later than January 1, 1997; unless the change would result in placing a precinct in more than one State House of Representatives, State Senate, or Congressional district, in which case it shall be made effective not later than January 1, 2002.

(e), (f) Repealed by Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 1, effective July 1, 1992.

(g) The Legislative Services Office shall send maps, under subsection (a) of this section, to the counties named below by the dates indicated:

(1) Maps to be sent not later than January 1, 1993, to the following counties: Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Currituck, Cherokee, Clay, Franklin, Gates, and Hoke;

(2) Maps to be sent not later than January 1, 1994, to the following counties: Columbus, Dare, Davie, Graham, Greene, Haywood, Hertford, Hyde, Jackson, Lee, Lincoln, Madison, Martin, Mitchell, Montgomery, Northampton, and Pasquotank; and

(3) Maps to be sent not later than January 1, 1995, to the following counties: Macon, McDowell, Moore, Pamlico, Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell, Vance, Warren, Watauga, and Yadkin.

(h) This section shall apply only to the following counties: Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Cherokee, Clay, Columbus, Currituck, Dare, Davie, Franklin, Gates, Graham, Greene, Haywood, Hertford, Hoke, Hyde, Jackson, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Northampton, Pamlico, Pasquotank, Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell, Vance, Warren, Watauga, and Yadkin. (1985, c. 757, s. 205(a); 1987, c. 715, s. 5; c. 879, ss. 5, 6; 1987 (Reg. Sess., 1988), c. 1074, s. 2; 1989, c. 440, s. 2;

1989 (Reg. Sess., 1990), c. 1024, s. 43; 1991 (Reg. Sess., 1992), c. 927, s. 1; 1993, c. 352, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 70.)

Editor's Note. —

Session Laws 1993, c. 352, which amended this section, s. 4 provides: "Notwithstanding any deadline set by G.S. 163-132.2, this act validates any resolution of a county board of elections revising precinct lines that the Executive Secretary-Director of the State Board of Elections determines meets the boundary requirements set out in G.S. 163-132.2, if the county is one of those listed in G.S. 163-132.2(g)(1) and the county board of elections has passed that resolution and the Executive Secretary-Director has approved it before January 1, 1994. If the office of Executive Secretary-Director is not filled, the requirement of approval in this section will be met if the county's resolution is approved by an official designated by the State Board of Elections as either Executive Secretary of the State Board of Elections or as Acting Director of Elections."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 1, 1992, rewrote this section.

The 1993 amendment, effective July 15, 1993, in the second sentence of the introductory language of subsection (a) substituted "The " for "Not later than 90 days after receiving copies of those maps, the"; in the introductory language of subdivision (a)(1)c substituted "The following visible physical features, readily distinguishable upon the ground" for "Named roads and streets and drainage features of 40 feet or more in width", added subdivisions (a)(1)c.1 through (a)(1)c.7 and in the last sentence added at the end "county on official county maps"; in subdivision (g)(2) inserted "Greene"; in subdivision (g)(3) inserted "Watauga"; and made other stylistic changes.

The 1993 (Reg. Sess., 1994) amendment, effective July 16, 1994, and applicable to all primaries and elections occurring on or after that date, in subdivision (a)(1)c., added "8. Major footpaths", made related changes, and substituted "county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners" for "planning department of the relevant county".

§ 163-132.3. Alterations to approved precinct boundaries.

(a) No county board of elections of a county listed in G.S. 163-132.1A(b), after January 1, 1990, and no county board of elections of a county listed in G.S. 163-132.2(h), after its precinct boundaries are approved pursuant to G.S. 163-132.2, may change any precinct boundary unless the proposed new precinct consists solely of contiguous territory and its new boundaries are coterminous with those of:

(1) Townships, as certified by the county manager, or the chairman of the board of county commissioners if there is not a county manager, on the official map of the county;
(2) The census blocks established under the latest U.S. Census;
(3) The following visible physical features, readily distinguishable upon the ground:
  a. Roads or streets;
  b. Water features or drainage features;
  c. Ridgelines;
  d. Ravines;

e. Jeep trails;
f. Rail features;
g. Above-ground power lines; or
h. Major footpaths

as certified by the North Carolina Department of Transportation on its highway maps or the county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners, on official county maps.

(4) Municipalities, as certified by the city clerk on the official map of the city; or

(5) A combination of these boundaries.

The county boards of elections shall report precinct boundary changes by filing with the Legislative Services Office on current official census maps or maps certified by the North Carolina Department of Transportation or the county's planning department the new boundaries of these precincts. The Executive Secretary-Director may require a county board of elections to file a written description of the boundaries of any precinct or part thereof. No newly created or altered precinct boundary is effective until approved by the Executive Secretary-Director of the State Board as being in compliance with this subsection.

(b) The Executive Secretary-Director of the State Board of Elections and the Legislative Services Office shall examine the maps of the proposed new or altered precincts and any required written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the Executive Secretary-Director of the State Board of Elections its opinion as to whether all of the proposed precinct boundaries are in compliance with subsection (a) of this section, with notations as to where those boundaries do not comply with these standards. If the Executive Secretary-Director of the State Board determines that all precinct boundaries are in compliance with this section, the Executive Secretary-Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c) If the Executive Secretary-Director of the State Board determines that the proposed precinct boundaries are not in compliance with subsection (a) of this section, he shall not approve those precinct boundaries. He shall notify the county board of elections of his disapproval specifying the reasons. The county board of elections may then resubmit new precinct maps and written descriptions to cure the reasons for their disapproval. (1985, c. 757, s. 205(a); 1987 (Reg. Sess., 1988), c. 1074, s. 2; 1991 (Reg. Sess., 1992), c. 927, s. 1; 1993, c. 352, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 71.)

Local Modification. — Buncombe: 1993, c. 72, s. 2 (effective May 24, 1993 to June 1, 1994).

Editor's Note. — Session Laws 1991 (Reg. Sess., 1992), c. 927, which amended this section, in s. 5 provides: "Notwithstanding the provisions of G.S. 163-132.3, as amended by Section 1 of this act, the validity of the boundaries of a precinct of a county subject to G.S. 163-132.1A which consists of noncontiguous territory as of January 1, 1992, shall not be affected by provisions of G.S. 163-132.3; provided, however, that any change to the boundaries of that precinct after that date shall be subject to G.S. 163-132.3, as amended by this act. Notwithstanding the preceding sentence, not later than January 1, 1997, the relevant county board of elections shall change any nonconforming precinct to eliminate noncontiguous territory in a precinct."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 1, 1992, rewrote this section.

The 1993 amendment, effective July 15, 1993, in subsection (a)(3) substituted "The following visible physical features, readily distinguishable upon the ground" for "Named roads and streets and drainage features of 40 feet or more in width"; added subdivisions (a)(3)a through (a)(3)g; and in the last sentence added "county on official county maps".

The 1993 (Reg. Sess., 1994) amendment, effective July 16, 1994, and applicable to all primaries and elections occurring on or after that date, in subdivision (a)(3), added "h. Major footpaths", made related changes, and substituted "county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners" for "planning department of the relevant county".

§ 163-132.5A: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1, effective July 1, 1992.

§ 163-132.5C. Local acts and township lines.

(a) Notwithstanding the provisions of any local act, a county board of elections need not have the approval of any other county board or commission to make precinct boundary changes required by this Article.

(b) Notwithstanding G.S. 163-128, precinct boundaries established, retained or changed under this Article, or changed to follow a district line where a precinct has been divided in a districting plan, may cross township lines. (1987, c. 715, s. 4; 1989, c. 440, s. 5; 1991 (Reg. Sess., 1992), c. 927, s. 1.)

Local Modification. — Buncombe: 1993, c. 72, s. 2 (effective May 24, 1993 to June 1, 1994).

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 1, 1992, added "and township lines" in the catchline, and inserted "or changed to follow a district line where a precinct has been divided in a districting plan" in subsection (b).

§ 163-132.5D. Retention of precinct maps.

The Executive Secretary-Director of the State Board of Elections shall retain the maps and written descriptions which he approves pursuant to G.S. 163-132.3. (1991 (Reg. Sess., 1992), c. 927, s. 1.)

Editor's Note. — Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 6 made this section effective July 1, 1992.

§ 163-132.5E. Precinct maps and voter statistics filed with the Legislative Services Office.

(a) No later than January 31 of each year, the chairman of each county board of elections shall file with the Legislative Services Office a map showing the county's precincts as of January 1 of that year.

(b) Not later than January 31 of each year, the chair of each county board of elections shall file with the Legislative Services Office a list of each precinct in the county as of January 1 of that year and the number of registered voters, in each precinct, by political party and race; and, no later than January 31 of each year beginning in 1996, with a numerical breakdown as to the race of registered voters of each political party.

(c) The Legislative Services Office shall develop and send by mail to each county board of elections by September 15 of each year a standard electronic data format that can be used in the following year by county boards of election as an alternative method of filing the list required by subsection (b) of this section. The standard electronic data format shall be for data provided in international standard ASCII file format on 9-track magnetic tape, 8-millimeter magnetic tape, 5 1/4 inch diskettes, or 3 1/2 inch diskettes. The standard electronic data format shall contain the name of the precinct, and for each precinct the total number of registered voters, the number of registered voters by party affiliation, the number of registered voters by race, and a numerical breakdown as to the race of registered voters in each political party. (1991 (Reg. Sess., 1992), c. 927, s. 1.)

Editor's Note. — Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 6 made this section effective July 1, 1992.

§ 163-132.5F. U.S. Census data by precinct.

The State shall request the U.S. Census Bureau for each decennial census to provide summaries of census data by precinct and shall participate in any U.S. Bureau of the Census' program to effectuate this provision. (1991 (Reg. Sess., 1992), c. 927, s. 1.)

Editor's Note. — Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 6 made this section effective July 1, 1992.

§ 163-132.6: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1, effective July 1, 1992.

ARTICLE 13.

General Instructions.

§ 163-138. Instructions for printing names on primary and election ballots.

In preparing primary, general, and special election ballots, the legal name of a candidate (together with his nickname in the situation outlined below) shall be printed precisely as it appears on the notice of candidacy form filed in accordance with G.S. 163-106 or in petition forms filed in accordance with G.S. 163-122. If the candidate has inserted a nickname on the notice of candidacy or in the petition, it shall be printed on the ballot immediately before the candidate's surname and shall be enclosed by parentheses. Notwithstanding the previous sentence, if the candidate has used his nickname in lieu of first and middle names as permitted by G.S. 163-106(a), unless another candidate for the same office who files a notice of candidacy has the same last name, the nickname shall be printed on the ballot immediately before the candidate's surname but shall not be enclosed by parentheses. If another candidate for the same office who filed a notice of candidacy has the same last name, then the candidate's name shall be printed on the ballot in accordance with the alternate indicated by the candidate on his affidavit under G.S. 163-106(a). No title, appendage, or appellation indicating rank, status, or position, shall be printed before or following or as a nickname or in connection with the name of any candidate on any ballot. Nevertheless, a candidate who is a married woman may use the prefix "Mrs." and a candidate who is a single woman may use the prefix "Miss" before her name if she so elects. (1929, c. 164, s. 5; 1945, c. 972; 1957, c. 1264; 1963, c. 934; 1967, c. 775, s. 1; 1985, c. 558, s. 2; 1993, c. 553, s. 61.)

Effect of Amendments. — The 1993 amendment, effective July 24, 1993, in the second sentence substituted "parentheses" for "parenthesis".

§ 163-140. Kinds of ballots; what they shall contain; arrangement.

(a) Kinds of General Election Ballots; Right to Combine. — For purposes of general elections, there shall be seven kinds of official ballots entitled:

(1) Ballot for presidential electors
(2) Ballot for United States Senator
(3) Ballot for member of the United States House of Representatives
(4) State ballot
(5) County ballot
(6) Repealed by Session Laws 1973, c. 793, s. 56.
(7) Ballot for constitutional amendments and other propositions submitted to the people.

Use of official ballots shall be limited to the purposes indicated by their titles. The printing on all ballots shall be plain and legible but, unless large type is specified by this section, type larger than

10-point shall not be used in printing ballots. All general election ballots shall be prepared in such a way as to leave sufficient blank space beneath each name printed thereon in which a voter may conveniently write the name of any person for whom he may desire to vote.

Unless prohibited by this section, the board of elections, State or county, charged by law with printing ballots may, in its discretion, combine any two or more official ballots. Whenever two or more ballots are combined, the voting instructions for the State ballot set out in subsection (b)(4) of this section shall be used, except that if the two ballots being combined do not contain a multi-seat race, then the second sentence of instruction b. shall not appear on the ballot.

Contests in the general election for seats in the State House of Representatives and State Senate shall be on ballots that are separate from ballots containing non-legislative contests, except where the voting system used makes separation of ballots impractical. State House and State Senate contests shall be on the same ballot, unless one is a single-seat contest and the other a multi-seat contest.

If the State Board of Elections divides the State ballot into two or more ballots, all candidates for superior court shall appear on the same ballot except that the State Board of Elections may divide the election of superior court judges into two ballots either because of length of the ballot or to provide a separate ballot for multi-seat races but only superior court judges shall be on those ballots, and all candidates for the Appellate Division shall appear on the same ballot.

(b) General Election Ballots. —

(1) Ballot for Presidential Electors: On the ballot for presidential electors there shall be printed, under the titles of the offices, the names of the candidates for President and Vice-President of the United States nominated by each political party qualified under the provisions of G.S. 163-96, and the names of the unaffiliated candidates for President and Vice-President qualified under the provisions of G.S. 163-122 and G.S. 163-209. A separate column shall be assigned to each political party with candidates on the ballot, and a separate column shall be assigned to each pair of unaffiliated candidates for President and Vice-President, if any, and the columns shall be separated by distinct black lines. At the head of each party column the party name shall be printed in large type and below it a circle, one-half inch in diameter, and below the circle the names of the party's candidates for President and Vice-President in that order. At the head of the columns for unaffiliated candidates shall be printed in large type the words "Unaffiliated Candidates", and below it a circle, one-half inch in diameter, and below the circle the names of a pair of unaffiliated candidates for President and Vice-President. On the face of the ballot, above the party column division, the following instructions shall be printed in heavy black type:

a. To vote this ballot, make a cross (X) mark in the circle below the name of the political party for whose candidates you wish to vote or below the heading for the unaffiliated candidates for whom you wish to vote.

b. A vote for the names of a political party's candidates for President and Vice-President is a vote for the electors of that party, and a vote for the names of unaffiliated candidates for President and Vice-President is a vote for electors named by the unaffiliated candidate for President, the names of whom are on file with the Secretary of State.
c. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed an identified facsimile of the signature of the Chairman of the State Board of Elections.

The official ballot for presidential electors shall not be combined with any other official ballots.

(2) Ballot for United States Senator: Beneath the title and general instructions set out in this subsection, the ballot for United States Senator shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having a candidate for the office and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for unaffiliated candidates shall be printed in large type the words "Unaffiliated Candidates." The name of each political party's candidate for United States Senator shall be printed in the appropriate party column, and the names of unaffiliated candidates for the office shall be printed in the column headed "Unaffiliated Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line. On the face of the ballot, above the party and unaffiliated column division, the following instructions shall be printed in heavy black type:

"a. Vote for only one candidate.
b. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the Chairman of the State Board of Elections.

When the ballot for United States Senator is combined with a ballot for another office, below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." The following instructions, in lieu of those specified in the preceding paragraph, shall be printed in heavy black type on the face of the combined ballot to the top above the party and unaffiliated column division:

"a. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.
b. You may vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of the candidate(s) of a different party for whom you wish to vote.

c. You may also vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

d. If you tear or deface or wrongly mark this ballot, return it and get another."

(3) Ballot for Member of the United States House of Representatives: Beneath the title and general instructions set out in this subsection, the congressional district ballot for member of the United States House of Representatives shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having a candidate for the office and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for unaffiliated candidates shall be printed in large type the words "Unaffiliated Candidates." The name of each political party's candidate for member of the United States House of Representatives from the congressional district shall be printed in the appropriate party column, and the names of unaffiliated candidates for the office shall be printed in the column headed "Unaffiliated Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line. On the face of the ballot, above the party and unaffiliated column division, the following instructions shall be printed in heavy black type:

"a. Vote for only one candidate.

b. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the Chairman of the State Board of Elections.

When the ballot for member of the United States House of Representatives is combined with a ballot for another office, below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." The following instructions, in lieu of those specified in the preceding paragraph, shall be printed in heavy black type on the face of the combined ballot at the top above the party and unaffiliated column division:

"a. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

b. You may vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of the candidate(s) of a different party for whom you wish to vote.

c. You may also vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

d. If you tear or deface or wrongly mark this ballot, return it and get another."

(4) State Ballot: Beneath the title and general instructions set out in this subsection, the ballot for single-seat contests for State officers, and for all State officers where mechanical voting machines are used (including judges of the superior court) shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having candidates for State offices and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for unaffiliated candidates shall be printed in large type the words "Unaffiliated Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the State Board of Elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. On a single line at the top of each section shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column, and the names of unaffiliated candidates shall be printed in the appropriate office section of the column headed "Unaffiliated Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and unaffiliated column division, the following instructions shall be printed in heavy black type, and the words "you must also" in instruction c. shall be underlined:

"a. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

b. You may vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

c. You may also vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of any candidate you choose of a different party. In any multi-seat race where a party circle is marked and you vote for candidates of another party, you must also make a cross (X) mark opposite the name of any candidate you choose of the party for which you marked the party circle to assure your vote will count.

d. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the Chairman of the State Board of Elections. If the State ballot contains no multi-seat race, then the second sentence of instruction b. shall not appear on the ballot.

(5) County Ballot: Beneath the title and general instructions set out in this subsection, the ballot for single-seat contests for county officers (including district attorney for the prosecutorial district in which the county is situated, district judge for the district court district in which the county is situated, and members of the General Assembly in the senatorial and representative districts in which the county is situated), and for all county offices where mechanical voting machines are used, shall be divided into parallel columns separated by distinct black lines. The county board of elections shall assign a separate column to each political party having candidates for the offices on the ballot and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type and at the head of the column for unaffiliated candidates shall be printed in large type the words "Unaffiliated Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the county board of elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. On a single line at the top of each section shall be printed the title of the office, and directly below the title shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column, and the names of unaffiliated candidates shall be printed in the appropriate office section of the column headed "Unaffiliated Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and unaffiliated column division, the following instructions shall be printed in heavy black type, and the words "you must also" in instruction c. shall be underlined:

"a. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

b. You may vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

c. You may also vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of any candidate you choose of a different party. In any multi-seat race where a party circle is marked and you vote for candidates of another party, you must also make a cross (X) mark opposite the name of any candidate you choose of the party for which you marked the party circle to assure your vote will count.

d. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the county board of elections. If the county ballot contains no multi-seat race, then the second sentence of instruction b. shall not appear on the ballot.

(6) Repealed by Session Laws 1973, c. 793, s. 56.

(7) Ballot for Constitutional Amendments and Other Propositions Submitted to the People: The form of ballot used in submitting a constitutional amendment or other proposition or issue to the voters of the entire State shall be prepared by the State Board of Elections and approved by the Attorney General. The form of ballot used in submitting propositions and issues to the voters of a single county or subdivision shall be prepared by the county board of elections. In a referendum the issue presented to the voters with respect to each constitutional amendment, question, or proposition, shall be printed in the form laid down by the General Assembly or other body submitting it. If more than one amendment, question, or proposition is submitted on a single ballot, each shall be printed in a separate section, and the sections shall be numbered consecutively. On the face of the ballot, above the issue or issues being submitted, shall be printed instructions for marking the voter's choice, in addition to the following instruction: "If you tear or deface or wrongly mark this ballot, return it and get another." On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the responsible board of elections, State or county.

(8) Order of candidates in multi-seat races. In a multi-seat race, within each political party that has nominated more than one candidate, the names of candidates shall appear on the ballot in alphabetical order from A to Z within that party's column.

(c) Primary Election Ballots. —

(1) Kinds of Primary Ballots; Right to Combine: For the purposes of primary elections, there shall be five kinds of official ballots, entitled:

a. Primary ballot for United States Senator

b. Primary ballot for member of the United States House of Representatives

c. State primary ballot

d. County primary ballot

e. Repealed by Session Laws 1973, c. 793, s. 56.

Use of official primary ballots shall be limited to the purposes indicated by their titles. The printing on all primary ballots shall be plain and legible but, unless large type is specified by this Chapter, type larger than 10-point shall not be used in printing primary ballots.

Primary ballots shall be prepared in accordance with the provisions of G.S. 163-109 and the provisions of this section as modified by the provisions of this subsection.

(2) Separate Ballots for Each Political Party: For each political party conducting a primary election separate ballots shall be printed, and the paper used for each party's ballots shall be different in color from that used for the ballots of other parties. Primary ballots shall not provide for voting a straight-party ticket, but a voting square shall be printed to the left of the name of each candidate appearing on the ballot.

(3) Rotation of Positions on Ballots Among Candidates: The board of elections, State or county, responsible for printing and distributing primary election ballots shall have them printed so that the names of opposing candidates for any office shall, as far as practicable, occupy alternate positions upon the ballot, to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots; and the ballots shall be distributed among the precinct voting places impartially and without discrimination.

(4) Facsimile Signatures: On the bottom of each primary ballot shall be printed an identified facsimile of the signature of the chairman of the board of elections, State or county, responsible for its preparation.

(d) Municipal Primary and Election Ballots. — In all municipal elections there shall be an official ballot on which shall be printed the names of all candidates for offices in the municipality. The municipal ballot shall conform as nearly as possible to the provisions of subsections (a) through (c) of this section, but on the bottom of the municipal ballot shall be printed an identified facsimile of the signature of the chairman of the county or municipal board of elections, as appropriate.

(e) Repealed by Session Laws 1977, c. 265, s. 10.

(f) Multi-seat Races. — The General Assembly finds that since the federal court opinion voiding the law which provided that a straight-ticket ballot shall take precedence in counting over a ballot marked for individual candidates, confusion has occurred in the counting of ballots in multi-seat races. In order to minimize the confusion of instructions for marking ballots in multi-seat races, which must be different than those in single-seat races, the General Assembly finds it necessary that these ballots be printed separately, except in the case of mechanical voting machines. On such machines, where it is physically impossible to vote both a straight-ticket and for an individual candidate, without pulling up the lever of an individual candidate, clearly showing the voter's intention, it is unnecessary to have a separate ballot for multi-seat races, and having such a separate ballot would result in more columns and rows on the machine than the mechanical machine can handle.

Multi-seat races in partisan general elections, which except as provided in this section would have appeared on the State ballot or county ballot, and except for multi-seat races on mechanical voting machines, shall be placed on a separate multi-seat ballot or ballots, which shall not be combined with any ballot other than a multi-seat ballot. Beneath the title and general instructions set out in this subsection, the ballot(s) for multi-seat races shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having candidates in multi-seat races and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for unaffiliated candidates shall be printed in large type the words "Unaffiliated Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, and around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the State Board of Elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each group of offices to be filled. On a single line at the top of each section shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column and the names of unaffiliated candidates shall be printed in the appropriate office section of the column headed "Unaffiliated Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and unaffiliated column division, the following instructions shall be printed in heavy red type to contrast with the type of the rest of the ballot:

"a. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party of your choice.

b. You may vote a split ticket in one of two ways:

  (1) By making a cross mark opposite the name of each candidate for whom you wish to vote and making no mark in the party circle, or

  (2) By marking the party circle and then making a cross mark opposite the name of each candidate you choose of the party whose circle you marked as well as each candidate you choose of any other party in the race(s) where you wish to vote a split ticket.

c. If you tear or deface or wrongly mark this ballot, return it and get another."

Ballot instructions need not be printed in red type except on the separate ballot(s) for multi-seat races. (1929, c. 164, s. 9; 1931, c. 254, ss. 2-10; 1933, c. 165, ss. 20, 21; 1939, c. 116, s. 1; 1947, c. 505, s. 9; 1949, c. 672, s. 2; 1955, c. 812, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 56, 57; 1977, c. 265, s. 10; c. 408, s. 5; 1987, c. 491, s. 1; c. 504; c. 580; c. 713, ss. 1, 8-12; 1991, c. 641, ss. 1-4; c. 761, ss. 32, 32.1; 1991 (Reg. Sess., 1992), c. 782, s. 3; 1993, c. 553, ss. 62, 63.)

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective June 25, 1992, in subdivision (b)(1) added the language beginning "and the names of" in the first sentence, in the second sentence added the language beginning "and a separate column" and ending "and Vice-President, if any", and deleted "party" preceding "columns shall be separated", inserted "party" in the third sentence, and added the fourth sentence, added the language beginning "or below the heading for the unaffiliated candidates" in subdivision (a), and added the language beginning "and a vote for the names" and ending "the unaffiliated candidate for President" in subdivision (b).

The 1993 amendment, effective July 24, 1993, in subdivisions (b)(4)c. and (b)(5)c. substituted "may" for "make".

§ 163-141. Sample ballots.

Sample ballots of each kind to be voted in each primary and election shall be printed by the board of elections responsible for printing the official ballots. Sample ballots shall be printed on paper of a color different from that used for the official ballots, and each sample ballot shall have the words "Sample Ballot" printed conspicuously on its face. Sample ballots shall be used for instructional purposes and shall not be used as official ballots.

The State Board of Elections shall distribute the sample ballots for which it is responsible to the county boards of elections at the time it distributes the official ballots; and the county board of elections, at the time it is required to distribute official ballots, shall furnish each precinct chief judge with an adequate supply of the sample ballots prepared by the State Board of Elections as well as of those the county board is required to prepare. (1929, c. 164, s. 13; 1931, c. 254, s. 12; 1967, c. 775, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 35.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first sentence of the second paragraph.

§ 163-142. Number of ballots to be furnished each voting place; packaging; date of delivery; receipt for ballots; accounting for ballots.

The county board of elections shall furnish each precinct voting place with each kind of ballot to be voted in the primary or election in a number equal to at least eighty percent (80%) of the number of persons registered to vote in the primary or election in the precinct. Provided that in those instances where precincts are provided with less than a number of ballots equal to one hundred percent (100%) of the number of voters registered to vote in the primary or election in the precinct, the responsible board of elections shall ensure that a number of additional ballots are stored in its offices for distribution to precincts where the need for additional ballots becomes evident so that a number of ballots equal to one hundred percent (100%) of the number of registered voters in the primary or election in each precinct is available.

Each kind of ballot shall be wrapped in a separate package or packages for each precinct voting place. The number of ballots to be placed in each package shall be determined by the chairman of the county board of elections, and the outside of each package shall be marked or stamped to show the kind of ballot and the number contained.

Three days before the primary or election, the county board of elections shall deliver to such precinct chief judge the required number of ballots of each kind to be voted in his precinct, and the chief judge shall immediately give a receipt for the ballots delivered to him in accordance with the information marked or stamped on the ballot packages.

Within three days after the primary or election, the chief judge shall deliver to the county board of elections all ballots spoiled in his precinct. At the same time he shall also deliver to the county board of elections all unused ballots from his precinct. Thereupon, the county board of elections shall make a check to ascertain whether the total of spoiled ballots and unused ballots, when added to the number of ballots cast in the precinct, equal the number of ballots furnished to and receipted for by the chief judge prior to the primary or election.

The provisions of this section shall not apply to voting places at which voting machines are used. (1929, c. 164, ss. 10, 11, 14, 25; 1933, c. 165, s. 22; 1951, c. 849, ss. 1, 2; 1967, c. 775, s. 1; 1985, c. 472, s. 3; 1989, c. 635, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 36.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" twice in the third paragraph and in the first and last sentences of the fourth paragraph.

§ 163-143. Ballot boxes to be furnished each voting place; date of delivery; receipt for boxes.

The county board of elections shall furnish each precinct voting place with a ballot box for each kind of ballot to be voted in the primary or election, together with one additional box in which spoiled ballots are to be deposited. Each box shall be plainly marked to indicate the ballots to be deposited therein, and the extra box to be delivered to each precinct shall be marked "For Spoiled Ballots."

Each ballot box shall be designed so that it may be locked and sealed and shall be constructed with an opening in the top large enough to allow a single ballot to be easily passed through, but no larger. At the time ballot boxes are delivered to the precinct, the chairman of the county board of elections shall furnish each chief judge with a lock and proper seals for each box to be used in his precinct, with instructions as to how each box is to be securely locked and sealed in compliance with G.S. 163-171.

Three days before the primary or election, the county board of elections shall deliver to each precinct chief judge the number of ballot boxes required for his precinct, and the chief judge shall immediately give a receipt for them.

The provisions of this section shall not apply to voting places at which voting machines are used. (1929, c. 164, ss. 12, 14; 1931, c. 254, s. 11; 1967, c. 775, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 37.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the second sentence of the second paragraph and twice in the third paragraph.

§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.

Should official ballots furnished to any precinct in accordance with the provisions of this chapter be lost, destroyed, damaged, or stolen, the county board of elections, upon ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed replacement ballots.

Within three days after the primary or election, the chief judge of the precinct in which the loss occurred shall make a written report, under oath, to the county board of elections describing in detail the circumstances of the loss, destruction, damage, or theft of the ballots. (1929, c. 164, s. 15; 1967, c. 775, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 38.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the second paragraph.

§ 163-146. Voting enclosure at voting place; furnishings; arrangement.

At each precinct voting place as described in G.S. 163-129, there shall be a room or area set apart as the voting enclosure. The limits of the voting enclosure shall be defined by walls, guardrails, or other boundary markers which at no point stand nearer than 10 feet nor farther than 20 feet from each ballot box or voting machine. This enclosure shall be arranged so that a single door or opening (not more than three feet wide) can be used as the entrance for persons seeking to vote.

Within the voting enclosure and in plain view of the qualified voters present at the voting place shall be placed:

(1) A table or desk on which the chief judge shall place and use the precinct registration books and records.
(2) A table or desk on which the responsible judge shall place and superintend the ballots for distribution and the box for spoiled ballots.
(3) A table or desk on which the responsible judge shall place and maintain the pollbook.
(4) The ballot boxes.
(5) The voting booths.

All voting booths and ballot boxes shall be placed in plain view of the chief judge and judges as well as of the qualified voters present at the voting place.

The chief judge's table shall be placed near the entrance to the voting enclosure.

Each voting booth shall be located and arranged so that it is impossible for a voter in one booth to see a voter in another booth in the act of marking his ballots. Each voting booth shall be kept properly lighted and provided with pencils or pens for marking ballots.

In precincts in which voting machines are used, ballot boxes and voting booths shall not be used. Within the voting enclosure at the voting place in such a precinct, each machine shall be placed so that the exterior from all its sides is visible and so that whenever it is not in use by a voter the ballot labels on its face may be plainly seen by the precinct officials and assistants, and by observers appointed under the provisions of G.S. 163-45. Precinct election officials and assistants shall not place themselves, nor shall they permit any other person to place himself, in any position that will permit one to see or ascertain how a voter votes on a voting machine except when the voter obtains assistance as provided in this Chapter.

No political banner, poster, or placard shall be allowed in or upon the voting place during the day of a primary or election. (1929, c. 164, s. 19; 1967, c. 775, s. 1; 1973, c. 793, ss. 58, 94; 1993 (Reg. Sess., 1994), c. 762, s. 39.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective

January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in subdivision (1) in the second paragraph and in the third and fourth paragraphs.

§ 163-147. No loitering or electioneering at voting place.

(a) No person or group of persons shall, while the polls are open at the voting place on the day of the primary or election, loiter about, congregate, distribute campaign material, or do any electioneering within the voting place, or within 50 feet in any direction of the entrance or entrances to the building in which the voting place is located. Notwithstanding the above provision, if the voting place is located in a large building, the chief judge and judges of the precinct may designate the entrance to the voting place within said building and none of the above activity shall be permitted within 50 feet of said entrance or entrances of said voting place. This section shall not, however, prohibit any candidate for nomination or election from visiting such voting place in person, provided he does not enter the voting enclosure except to cast his vote as a registered voter in said precinct. The county boards of elections and precinct chief judges shall have full authority to enforce the provisions of this section.

(b) This section does not prohibit establishment of or approval by the county board of elections of a simulated election within the voting place or voting enclosure for persons ineligible to vote because of their age, but the prohibitions of this section as to activities within the voting place or within 50 feet apply to that simulated election. The State Board of Elections shall adopt rules to ensure that the simulated election is not disruptive of the regular process of voting. (1929, c. 164, s. 19; 1967, c. 775, s. 1; 1971, c. 537; 1993, c. 236, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 40.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective June 29, 1993, added the subsection (a) designation and added subsection (b).

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the second sentence of subsection (a) and substituted "chief judges" for "registrars" in the last sentence of that subsection.

§ 163-148. Procedures at voting place before polls are opened.

At least one-half hour before the time set for opening the polls for each primary and election, the judges of elections and assistants, shall meet the chief judge at the precinct voting place, at which time the chief judge shall administer to them the appropriate oaths set out in G.S. 163-41(a) and G.S. 163-42.

The chief judge and judges shall arrange the voting enclosure according to the requirements of G.S. 163-146 and the instructions of the county board of elections. They shall then unlock the official ballot boxes, see that they are empty, allow authorized observers and other voters present to examine the boxes, and then they shall relock them while still empty. They shall open the sealed packages of ballots, and one of the judges, at the chief judge's request, shall announce that the polls are open and state the hour at which they will be closed.

If voting machines are used in the precinct, immediately before the polls are opened the chief judge and judges shall open each voting machine, examine the ballot labels, and check the counters to see that they are set to indicate that no votes have been cast or recorded; at the same time, the precinct officials shall allow authorized observers and other voters present to examine the machines. If found to be in order and the ballot labels in proper form, the precinct officials shall lock and seal each machine, and it shall remain locked until after the polls are closed. (1929, c. 164, s. 18; 1967, c. 775, s. 1; 1973, c. 793, ss. 59, 94; 1993 (Reg. Sess., 1994), c. 762, s. 41.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" twice in the first paragraph, twice in the second paragraph, and once in the first sentence of the third paragraph.

§ 163-150. Voting procedures.

(a) Checking Registration. — A person seeking to vote shall enter the voting enclosure at the voting place through the appropriate entrance and shall at once state his name and place of residence to one of the judges of election. In a primary election, the voter shall also state the political party with which he affiliates and in whose primary he desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-116, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The judge to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the precinct registration records, the chief judge shall state whether the person seeking to vote is duly registered.

(b) Distribution of Ballots; Information. — If the voter is found to be registered and is not challenged, or, if challenged and the challenge is overruled as provided in G.S. 163-88, the responsible judge of election shall hand him an official ballot of each kind he is entitled to vote. In a primary election the voter shall be furnished ballots of the political party with which he affiliates and no others, except that unaffiliated voters who are permitted to vote in a party primary under G.S. 163-116 shall be furnished ballots for that primary. No such unaffiliated voter shall vote in the primary of more than one party on the same day. It shall be the duty of the chief judge and judges holding the primary or election to give any voter any information he desires in regard to the kinds of ballots he is entitled to vote and the names of the candidates on the ballots. In response to questions asked by the voter, the chief judge and judges shall communicate to him any information necessary to enable him to mark his ballot as he desires.

(c) Act of Voting. — When a person is given official ballots by the judge, he shall be deemed to have begun the act of voting, and he shall not leave the voting enclosure until he has deposited his ballots in the ballot boxes or returned them to the precinct officials. When he leaves the voting enclosure, whether or not he has deposited his ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for the purpose of voting. On receiving his ballots, the voter shall immediately retire alone to one of the voting booths unless he is entitled to assistance under the provisions of G.S. 163-152, and without undue delay he shall mark his ballots in accordance with the provisions of G.S. 163-151.

(d) Spoiled and Damaged Ballots. — If a voter spoils or damages a ballot, he may obtain another upon returning the spoiled or damaged ballot to the chief judge. A voter shall not be given a replacement ballot until he has returned the spoiled or damaged ballot, and he shall not be given more than three replacement ballots in all. The chief judge shall deposit each spoiled or damaged ballot in the box provided for that purpose.

(e) Depositing Ballots and Leaving Enclosure. — When the voter has marked his ballots he shall leave the voting booth and deposit them in the appropriate boxes or hand them to the chief judge or a judge who shall deposit them for him. If he does not mark a ballot he shall return it to one of the precinct officials before leaving the voting enclosure. If the voter has been challenged and the challenge has been overruled, before depositing his ballots in the boxes he shall write his name on each of his ballots so they may be identified in the event his right to vote is again questioned. After depositing his ballots in the ballot boxes, the voter shall immediately leave the voting enclosure unless he is one of the persons authorized by law to remain within the enclosure for purposes other than voting.

(f) Maintenance of Pollbook or Other Record of Voting. — At each primary, general or special election, the precinct chief judge shall appoint two precinct assistants (one from each political party as recommended by the county chairman thereof), one to be assigned to keep the pollbook or other voting record used in the county as approved by the State Board of Elections, and the other to keep the registration books under the supervision of the precinct officials. The names of all persons voting shall be checked on the registration records and entered on the pollbook or other voting record. In an election where observers may be appointed under G.S. 163-45 each voter's party affiliation shall be entered in the proper column of the book or other approved record opposite his name. The precinct assistant shall make each entry at the time the ballots are handed to the voter. As soon as the polls are closed, the chief judge and judges of election shall sign the pollbook or other approved record immediately beneath the last voter's name entered therein. The chief judge or the judge appointed to attend the county canvass shall deliver the pollbook or other approved record to the chairman of the county board of elections at the time of the county canvass, and the chairman shall remain responsible for its safekeeping.

(g) Occupation of Voting Booth. — Subject to the provisions of G.S. 163-152 and G.S. 163-152.1, no voter shall be allowed to occupy a voting booth or voting machine already occupied by another voter, provided, however, husbands and wives may occupy the same voting booth if both wish to do so. No voter shall be allowed to occupy a voting booth or voting machine more than five minutes if all the booths or machines are in use and other voters are waiting to obtain booths or machines. (1915, c. 101, s. 11; 1917, c. 218; C.S., s. 6031; 1921, c. 181, s. 6; 1923, c. 111, s. 14; 1929, c. 164, ss. 20, 22, 23, 25; 1931, c. 254, ss. 13, 14; 1939, c. 263, s. 312; 1953, c. 1040; 1955, c. 767; 1959, c. 1203, s. 7; 1967, c. 775, s. 1; 1973, c. 793, ss. 60, 61; c. 1223, s. 7; c. 1344, ss. 2, 3; 1979, c. 60, s. 1; 1987, c. 408, ss. 2, 3; 1993 (Reg. Sess., 1994), c. 762, s. 42.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "G.S. 163-116" for "G.S. 163-74(a1)" in the first sentence of subsections (a) and (b), and substituted "chief judge" for "registrar" throughout the section.

§ 163-152. Assistance to voters in primaries and general elections.

(a) In Primaries or General Elections. —

(1) Who Is Entitled to Assistance: In a primary or general election, a registered voter qualified to vote in the primary or general election shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

a. Any voter shall be entitled to assistance from a near relative of his choice.

b. Any voter in any of the following four categories shall be entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union:

1. One who, on account of physical disability, is unable to enter the voting booth without assistance;

2. One who, on account of physical disability, is unable to mark his ballots without assistance;
3. One who, on account of illiteracy, is unable to mark his ballots without assistance;
4. One who, on account of blindness, is unable to enter the voting booth or mark his ballots without assistance.

(2) Procedure for Obtaining Assistance: A person seeking assistance in a primary or general election shall, upon arriving at the voting place, first request the chief judge to permit him to have assistance, stating his reasons. If the chief judge determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the person he desires to help him and to whose assistance he is entitled under this section. The chief judge shall thereupon request the person indicated to render the requested aid. The chief judge, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by sub-subdivision (a)(1)b. of this section. Under no circumstances shall any precinct official be assigned to assist a voter who qualifies for assistance under this section, who was not specified by the voter.

(b) Repealed by Session Laws 1973, c. 793, s. 63.

(c) Conduct of Persons Rendering Assistance. — Anyone rendering assistance to a voter in a primary or general election or election under the provisions of this section shall be admitted to the voting booth with the person being assisted and shall be governed by the following rule:

(1) He shall not in any manner seek to persuade or induce any voter to cast his vote in any particular way.

(2) Except when going to or returning from a voting booth with a voter as authorized by this section, he shall remain within the voting place but shall not come within 10 feet of the voting enclosure.

(3) Immediately after rendering assistance, he shall vacate the voting booth and withdraw to his place in the voting place outside the voting enclosure.

(4) He shall not accompany the voter from the voting booth to the ballot box unless the voter requires and requests assistance on account of physical disability; if assistance is rendered in this way, he shall not converse with the voter prior to the time he deposits his ballots in the ballot boxes.

(5) He shall not make or keep any memorandum of anything which occurs within the voting booth.

(6) He shall not, directly or indirectly, reveal to any person how, in any particular, the assisted voter marked his ballots, unless he or they are called upon to testify in a judicial proceeding for a violation of the election laws.

(d) Meaning of "Near Relative". — As used in this section, the words "near relative" shall include the voter's husband, wife, brother, sister, parent, child, grandparent, and grandchild, but no other relative.

(e) **(Effective October 1, 1994 — See editor's note)** Violation of Section. — It shall be a Class 2 misdemeanor for any person to give, receive, or permit assistance in the voting booth during any primary or general election or election to any voter otherwise than as is allowed by this section. (1929, c. 164, ss. 26, 27; 1933, c. 165, s. 24; 1939, c. 352, ss. 1, 2; 1953, c. 843; 1955, c. 800; 1957, c. 784, s. 6; 1959, c. 616, s. 1; 1963, c. 303, s. 1; 1967, c. 775, s. 1; 1973, c. 793, s. 63; 1977, c. 345, ss. 1, 2; 1985, c. 563, ss. 16-16.4; 1985 (Reg. Sess., 1986), c. 900, s. 1; 1987, c. 565, s. 3; 1993, c. 539, s. 1099; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 762, s. 43.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in subsection (e).

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" four times in subdivision (a)(2).

§ 163-152.1. Assistance to blind voters in primaries and elections.

Any blind voter may record a certificate issued by the Department of Human Resources, by an optometrist or by a physician, stating that the named individual should be entitled to assistance as a blind voter. Upon receipt of such certification the appropriate election official shall enter on the voter's registration record the words "blind voter" so as to establish such fact and so as to entitle such voter to the same assistance in subsequent primaries and elections. The certification presented to the precinct chief judge, the county board of elections, or the person accepting the application to register shall be forwarded to the chairman of the county board of elections to be filed as a permanent record with the voter's duplicate registration record as required by G.S. 163-65. (1969, c. 175; 1973, c. 476, s. 143; 1985, c. 563, ss. 16.5, 16.6; 1993 (Reg. Sess., 1994), c. 762, s. 44.)

Editor's Note. — G.S. 163-65, referred to above, has been repealed.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "appropriate election official" for "registrar or special registration commissioner" in the second sentence, and substituted "chief judge, the county board of elections, or the person accepting the application to register" for "registrar or special registrar" in the third sentence.

§ 163-153. Access to voting enclosure.

In all counties, only the following persons shall be allowed within the voting enclosure while the polls are open to voting:

(1) Officers of election, that is, members of the State Board of Elections, members of the county board of elections, supervisors of elections, and the precinct chief judge, precinct judges of election, and assistants appointed for the precinct under the provisions of G.S. 163-42.

(2) Voters in the act of voting.

(3) A near relative of a voter, but only while assisting the voter as authorized in G.S. 163-152.

(4) Any voter of the precinct called upon to assist another voter, but only while assisting him as authorized in G.S. 163-152.

(5) Municipal policemen assigned by the municipal authorities to keep the peace at a voting place located within the municipality, but only when requested to come within the voting enclosure by the chief judge and judges for the purpose of preventing disorder; at the request of the chief judge and judges, they shall withdraw from the voting enclosure and remain at least 10 feet from its entrance.

(6) Any voter of the precinct while entering and explaining a challenge, and any voter of the county who has challenged a voter in that precinct if the challenge is heard at the polls under G.S. 163-87 and 163-88, while entering and explaining a challenge.

(7) Observers appointed under the provisions of G.S. 163-45.

(8) Persons working at, supervising, or voting in a simulated election for persons ineligible to vote because of their age. (1929, c. 164, s. 24; 1955, c. 871, s. 7; 1967, c. 775, s. 1; 1969, c. 1280, s. 1; 1973, c. 793, ss. 64, 94; 1979, c. 357, s. 5; 1983, c. 411, s. 4; 1993, c. 236, s. 2; 1993 (Reg. Sess., 1994), c. 762, ss. 5, 45.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 5, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, provides: "Wherever the term 'registrar' appears in Chapter 163 of the General Statutes, the term shall be changed to read 'chief judge'."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective June 29, 1993, added subdivision (8).

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in subdivisions (1) and (5).

§ 163-155. (See editor's note) Aged and disabled persons allowed to vote outside voting enclosure.

In any primary or election any qualified voter who is able to travel to the voting place, but because of age, or physical disability and physical barriers encountered at the voting place is unable to enter the voting place or enclosure to vote in person without physical assistance, shall be allowed to vote either in the vehicle conveying such person to the voting place or in the immediate proximity of the voting place under the following restrictions:

(1) The county board of elections shall have printed and numbered a sufficient supply of affidavits to be distributed to each precinct chief judge which shall be in the following form:

"Affidavit of person voting outside voting place or enclosure.

State of North Carolina
County of ____________________

I do solemnly swear (or affirm) that I am a registered voter in ________________________ precinct. That because of age or physical disability I am unable to enter the voting place to vote in person without physical assistance. That I desire to vote outside the voting place and enclosure.

I understand that a false statement as to my condition will subject me to a fine not to exceed one thousand dollars ($1,000) or imprisonment not to exceed six months, or both.

______________ ____________________
Date Signature of Voter

____
Address

____
Signature of assistant
who administered oath."

(2) The chief judge shall designate one of the assistants, appointed under G.S. 163-42 to attend the voter. Upon arrival outside the voting place, the voter shall execute the affidavit after being sworn by the assistant. The ballots shall then be delivered to the voter who shall mark the ballots and hand them to the assistant. The ballots shall then be delivered to one of the judges of elections who shall deposit the ballots in the proper boxes. The affidavit shall be delivered to the other judge of election.

(3) The voter shall be entitled to the same assistance in marking the ballots as is authorized by G.S. 163-152.

(4) The affidavit executed by the voter shall be retained by the county board of elections for a period of six months. In those precincts using voting machines, the county board of elections shall furnish paper ballots of each kind for use by persons authorized to vote outside the voting place by this section.

(5) If there is no assistant appointed under G.S. 163-42 to perform the duties required by this section, the precinct chief judge or one of the precinct judges, to be designated by the

voter, if he chooses, or, if he does not, by the precinct chief judge, shall perform those duties.

A violation of this section is a Class 2 misdemeanor. (1971, c. 746, s. 1; 1973, c. 793, s. 65; 1979, c. 425, s. 1; 1987, c. 300; c. 565, s. 4; 1993, c. 539, s. 1100; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 762, s. 46.)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the last sentence.

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in subdivisions (1) and (2) and twice in subdivision (5).

§ 163-156. Rules when vacancies for superior court judge are to be voted on.

CASE NOTES

Quoted in Republican Party v. Hunt, 841 F. Supp. 722 (E.D.N.C. 1994).

ARTICLE 14.

Voting Systems.

§ 163-161. Adoption of voting systems by local governments.

CASE NOTES

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992).

§ 163-162. Use of paper ballots where voting systems are used.

CASE NOTES

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992).

§ 163-165: Reserved for future codification purposes.

§ 163-166. Allocation of voting systems.

(a) In allocating to precincts voting systems as defined in G.S. 163-160.1, the sole criteria shall be voter registration in the precinct.

(b) This act applies only to counties of 450,000 or more population according to the 1990 census. (1993, c. 460, ss. 1, 2.)

Editor's Note. — Session Laws 1993, c. 460, s. 3 made this section effective with respect to elections conducted on or after January 1, 1994.

Session Laws 1993, c. 460, s. 2 has been codified as subsection (b) of this section at the direction of the Revisor of Statutes.

§ 163-167: Reserved for future codification purposes.

ARTICLE 15.

Counting Ballots, Canvassing Votes, and Certifying Results in Precinct and County.

§ 163-168. Proceedings when polls are closed.

At the time set by G.S. 163-2 for closing the polls on the day of a primary, general or special election, the precinct chief judge shall announce that the polls are closed, but any qualified voters who are then in the process of voting or who are in line at the voting place waiting to vote, whether or not they are within the voting enclosure or voting place boundaries, shall be allowed to vote.

At closing time, the chief judge, or a judge designated by the chief judge, shall enter into the pollbook, on a separate page labeled "Persons Waiting to Vote at Closing Time in the Primary Election Held the .... Day of ....., 19......," the names of all persons then in line at the voting place waiting to vote, beginning with the person last in line and proceeding to the person first in line at closing time. No persons shall be allowed to vote after closing time unless their names are so listed. (1933, c. 165, s. 8; 1955, c. 891; 1961, c. 487; 1967, c. 775, s. 1; 1973, c. 793, s. 67; 1993 (Reg. Sess., 1994), c. 762, s. 47.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" once in the first paragraph and twice in the second paragraph.

CASE NOTES

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992).

§ 163-169. Counting ballots at precincts; unofficial report of precinct vote to county board of elections.

(a) Instructions. — Before each primary and election, the chairman of the county board of elections shall furnish each chief judge written instructions on how ballots shall be marked and counted. Before starting the counting of ballots in his precinct, the chief judge shall instruct all of the judges, assistants, and ballot counters in how differently marked ballots shall be counted and tallied.

(b) General Rule. — Only official ballots shall be voted and counted. No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to determine the voter's choice under the rules for counting ballots. Such determination shall be made by the county board of elections if the chief judge and judges are unable to determine the voter's choice, or whether a particular ballot should be counted.

(c) Right to Witness Precinct Count. — The counting of the ballots in each box shall be made in the presence of the precinct election officials and witnesses and observers who are present and desire to observe the count. Observers shall not interfere with the orderly counting of the ballots.

(d) Counting to Be Continuous; Precinct Officials Not to Separate. — As soon as the polls are closed the chief judge and judges shall, without adjournment or postponement, open the ballot boxes and count the ballots. The counting of ballots at the precinct shall be continuous until completed. More than one box may be counted at the same time by the precinct officials, assistants, and ballot counters, but the chief judge and judges shall supervise the counting of all boxes and shall be responsible for them. From the time the first ballot box is opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified as required by G.S. 163-173, and delivered to the chief judge or judge chosen to deliver them to the county board of elections, the precinct chief judge and judges shall not separate, nor shall any one of them leave the voting place except for unavoidable necessity.

(e) Counting Primary Ballots. — In a primary election the ballots shall be emptied on a table in full view of the precinct election officials, ballot counters, if used, and witnesses present. Identically marked ballots may be arranged in orderly piles to be counted. The results of those counts shall be stated aloud and the totals recorded on the tally sheet. For all other ballots, the name of each candidate voted for shall be read aloud distinctly, and the vote received by each candidate shall be tallied on the tally sheet. This procedure shall be followed for all boxes being counted.

(f) Counting General Election Ballots. — In a general election the contents of a ballot box may be emptied upon a table and the ballots divided into two piles:

(1) All those ballots marked in the circle of one political party to indicate a vote for all of the candidates of that party, that is, "straight tickets," which shall be so counted and tallied.

(2) All those ballots marked for candidates of more than one political party, that is, "split tickets," which shall be called and tallied in the manner prescribed for counting primary ballots in subsection (e) of this section.

(g) Questioned Ballots. — All questions arising with respect to how a ballot shall be counted or tallied shall be referred to the chief judge and judges of election for determination before the completion of the counting of the ballots in the box from which the questioned ballot was taken.

(h) Unofficial Report of Precinct Returns. — On the night of the primary or election, as soon as the votes have been counted and the precinct returns certified, the chief judge, or one of the judges selected by the chief judge, shall report the total precinct vote for each candidate, constitutional amendment, and proposition by telephone or otherwise to the county board of elections. This report shall be unofficial and shall have no binding effect upon the official county canvass to follow. As soon as the precinct reports are received, the chairman, secretary, or clerk to the county board of elections shall publish the reports to the press, radio, and television. The costs incurred in executing the provisions of this subsection shall be charged to the operating expense of the county board of elections.

(i) Absentee Ballots. — Absentee ballots shall be deposited and voted in accordance with the provisions of G.S. 163-234; they shall be counted and tabulated as provided in this section and G.S. 163-170.

(j) Repealed by Session Laws 1977, c. 265, s. 12. (1933, c. 165, s. 8; 1953, c. 843; 1955, cc. 800, 891; 1961, c. 487; 1963, c. 303, s. 1; 1965, c. 871; 1967, c. 775, s. 1; 1973, c. 793, s. 94; 1977, c. 265, s. 12; 1979, c. 802, s. 2; 1983, c. 411, s. 5; 1993 (Reg. Sess., 1994), c. 762, s. 48.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" throughout the section.

§ 163-170. Rules for counting ballots.

Only official ballots shall be voted and counted. No official ballot shall be rejected because of technical errors in marking it unless it is impossible to determine the voter's choice. In applying the general rule, all election officials shall be governed by the following rules:

(1) When Impossible to Determine Voter's Choice for Office. — If for any reason it is impossible to determine a voter's choice for an office, the ballot shall not be counted for that office but shall be counted for all other offices.

(2) When Ballot Marked for More Names Than There are Positions to Be Filled. — If a ballot is marked for more names than there are positions to be filled, it shall not be counted for that office but shall be counted for all other offices.

(3) When Ballot Defaced or Torn. — If a ballot has been defaced or torn by a voter so that it is impossible to determine the voter's choice for one or more offices, it shall not be counted for such offices but shall be counted for all offices for which the voter's choice can be determined.

(4) When Voter Has Affixed Sticker, etc., or Otherwise Improperly Treated Properly Marked Ballot. — If a voter has properly marked the voting square with pen or pencil, and also has affixed a sticker to a ballot, or marked a ballot with a rubber stamp, attached anything to a ballot, wrapped or folded anything in a ballot, or done anything to a ballot other than mark it properly with pen or pencil, it shall be counted unless such action by the voter makes it impossible to determine the voter's choice.

(5) Write-In Votes. — If a name has been written in on an official general election ballot as provided in G.S. 163-151, it shall be counted in accordance with the following rules:

a. The name written in shall not be counted unless written in by the voter or a person authorized to assist the voter pursuant to G.S. 163-152.

b. The name shall be written in immediately below the name of a candidate for a particular office, if any, and shall be counted as a vote for the person whose name has been written in for that office. If the voter has made a mark to the left of the name written in, or checked in the party circle or the square beside the name of a candidate below whose name the write-in appears, or if the voter strikes out, marks through or crosses out the name printed above the write-in, such action by the voter shall not serve to invalidate the ballot or the vote for the person whose name was written in for that particular office.

c. If the person whose name was written in appears as a candidate of a political party or as an unaffiliated candidate for any office, the write-in shall be ignored and the ballot shall be counted as though no write-in appeared for such office.

d. Marking Party Circle and Write-Ins. —

1. If the voter marks the party circle above the column

in which he has entered the write-in, his ballot shall be counted as a vote for the person whose name has been written in, and for all other candidates of the party in whose circle he has marked, except the candidate beneath whose printed name the write-in appears.

2. If the voter has marked the party circle at the top of the column of a political party, and has made a write-in under the name of a candidate printed in a column of a different political party, except as prohibited by G.S. 163-123(f), the write-in shall be counted, and otherwise the ballot shall be counted as a vote for all candidates of the party in whose circle he has marked except for the office for which there is a write-in.

3. In a multi-seat race, if the voter has marked the party circle at the top of the column of a political party and has made a write-in under the name of a candidate printed in a column of a different political party, only the write-in and those other candidates of any party beside whose name the voting square is marked shall receive a vote. This subparagraph does not apply if the write-in cannot be counted because of G.S. 163-123(f).

(6) Split Ticket. —

a. If the voter has marked the party circle of one party and also marked the voting square of individual candidates of another party, the ballot shall be counted as a straight ticket for all candidates of the party whose circle was marked except for a candidate for an office for which the voter has marked the candidate of any other party, in which case the vote marked for any candidate or candidates of any other party shall be counted instead for that office.

b. If the voter votes a split ticket by omitting to mark the party circle and marks the voting square opposite the name of candidates for whom he desires to vote in different party columns, the ballot shall be counted as a vote for each candidate marked in a different party column.

c. In a multi-seat race, if the voter has marked the party circle at the top of the column of a political party and has marked the voting square of a candidate of any other party, only those candidates of any party beside whose names the voting squares are marked shall receive a vote.

(7) Voting a Straight Ticket. — If a voter desires to vote for all candidates of one political party, a straight ticket, he shall either:

a. Mark the party circle printed at the top of the party column; or

b. Mark the voting squares at the left of the name of every candidate of the same party printed on the ballot; or

c. Mark the party circle and also mark some or all names printed in that party column.

In either case, the ballot shall be counted as a straight ticket and counted as a vote for every candidate whose name is printed in the party column. (1929, c. 164, s. 28; 1931, c. 254, s. 15; 1933, c. 165, ss. 8, 23; 1939, c. 116, s. 2; 1947, c. 505, s. 10; 1955, c. 812, s. 2; c. 891; c. 1104, ss. 1-2; 1957, cc. 344, 440, 589, 647, 737, 1383; 1959, cc. 105, 604, 610, 888; c. 1203, s. 9; 1961, cc. 451, 487; 1963, cc. 154, 167, 376, 389, 390, 567, 774; 1965, cc. 119, 154, 547, 727; c. 1117, s. 3; 1967, c. 775, s. 1; 1973, c. 793, s. 68; 1979, c. 802, s. 3; 1983, c. 324, s. 5; 1987, c. 713, ss. 3, 4, 6, 7; 1993, c. 553, s. 64.)

Effect of Amendments. — The 1993 amendment, effective July 24, 1993, in subdivision (4) substituted "Properly" for "Property".

§ 163-171. (See editor's note) Preservation of ballots; locking and sealing ballot boxes; signing certificates.

When the precinct count is completed after a primary or election, all ballots shall be put back in the ballot boxes from which they were taken, and the chief judge and judges shall promptly lock and place a seal around the top of each ballot box, so that no ballot may be taken from or put in it. The chief judge and judges shall then sign the seal on each ballot box. In the alternative, the county board of elections may permit the precinct officials to put the counted ballots back in one ballot box or more to facilitate safekeeping provided the board prescribes an appropriate procedure to keep the different kinds of ballots separated in bundles or bags within the box.

Ballot boxes in which ballots have been placed and which have been locked and sealed as required by the preceding paragraph shall remain in the safe custody of the chief judge, subject to the orders of the chairman of the county board of elections as to their disposition; provided that ballot boxes with paper ballots shall be delivered in person to the office of the county board of elections; provided further that in the case of paper ballots which have been counted either mechanically or electronically either the counting machines with the paper ballots sealed inside shall be delivered in person to the office of the county board of elections, or the paper ballots shall be placed in ballot boxes, sealed, and those boxes shall be delivered in person to the office of the county board of elections. The ballots and ballot boxes shall be delivered at a time specified by the county board of elections. No ballot box shall be opened except upon the written order of the county board of elections or upon a proper order of court.

Ballots cast in a primary or general election shall be preserved for at least two months after the primary or general election in which voted.

On each precinct return form there shall be printed a statement to be signed by the chief judge and judges certifying that, after the precinct count was completed, each ballot box was properly locked, sealed, and the seals signed, as prescribed in this section, before the precinct officials left the voting place on the night of the primary or election.

Willful failure to securely lock, seal, and sign the seal on each ballot box on the night of any primary or election, and willful failure to sign the certificate on the duplicate return forms certifying that this was done, shall constitute a Class 2 misdemeanor.

In the event that a recount is requested as provided by law or there is other filing of an appeal of the election results, the county board of elections shall seal and secure the ballots, ballot boxes, and voting machines within a uniform period of time set by the State Board of Elections, to the extent that such actions have not already been taken as required by law. The aforementioned items shall then be stored in locations that are securely locked by members of the county board of elections. In counties that utilize voting machines or voting systems the county board of elections shall be required to store in one location that record on which the official vote cast is recorded. (1915, c. 101, s. 21; 1917, c. 179, s. 1; c. 218; C.S., s. 6041; 1923, c. 111, s. 15; 1959, c. 1203, s. 2; 1967, c. 775, s. 1; 1981, c. 124; 1987, c. 416; 1991, c. 727, s. 4; 1993, c. 539, s. 1101; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 762, s. 49.)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the fifth paragraph.

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the first and second sentences of the first paragraph, in the first sentence of the second paragraph, and in the fourth paragraph.

CASE NOTES

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992).

§ 163-173. (See editor's note) How precinct returns are to be made.

In each precinct, when the results of the counting of the ballots have been ascertained they shall be recorded in original and duplicate statements to be prepared, signed, and certified to by the chief judge and judges on forms provided by the county board of elections.

One of the statements of the voting in the precincts shall be placed in a sealed envelope and delivered to the chief judge or a judge selected by the precinct officials for the purpose of delivery to the county board of elections for review at its meeting on the second day after the primary or election. The other copy of the statement shall either be mailed immediately or delivered in person immediately, as directed by the county board of elections, by one of the other two precinct election officials, to the chairman of the county board of elections or the supervisor of elections if authorized by the chairman to receive the statement.

Any chief judge or judge appointed to deliver the certified precinct returns who shall fail to deliver them to the county board of elections by 12:00 noon, on the day the board meets to canvass the returns shall be guilty of a Class 2 misdemeanor, unless the failure resulted from illness or other good cause. (1933, c. 165, s. 8; 1967, c. 775, s. 1; 1981, c. 153; 1993, c. 539, s. 1102; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 762, s. 50.)

Editor's Note. — Session Laws 1993, c. 539, which amended this section in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the third paragraph.

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in each paragraph.

§ 163-174. Registration and pollbooks to be returned to chairman of county board of elections.

On the day preceding the county canvass or on the day of the county canvass, following each primary and election, as may be directed by the chairman of the county board of elections, the chief judge (or judge appointed to bring in the precinct returns) shall deliver the precinct registration book or records and the pollbook to the chairman of the county board of elections at the time directed by the chairman. (1933, c. 165, s. 8; 1967, c. 775, s. 1; 1981, c. 152; 1993 (Reg. Sess., 1994), c. 762, s. 51.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective

January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar".

§ 163-177. (Effective October 1, 1994 — See editor's note) Disposition of duplicate abstracts.

Within six hours after the returns of a primary or election have been canvassed and the results judicially determined, the chairman of the county board of elections shall mail, or otherwise deliver, to the State Board of Elections the duplicate-original abstracts prepared in accordance with G.S. 163-176 for all offices and referenda for which the State Board of Elections is required to canvass the votes and declare the results including:

President and Vice-President of the United States
Governor, Lieutenant Governor, and all other State executive officers
United States Senators
Members of the House of Representatives of the United States Congress
Justices, Judges, and District Attorneys of the General Court of Justice
State Senators in multi-county senatorial districts
Members of the State House of Representatives in multi-county representative districts
Constitutional amendments and propositions submitted to the voters of the State.

One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and referenda for which the county board of elections is required to canvass the votes and declare the results (and which are listed below) shall be retained by the county board, which shall forthwith publish and declare the results; the second duplicate abstract shall be mailed to the chairman of the State Board of Elections, to the end that there be one set of all primary and election returns available at the seat of government.

All county offices
State Senators in single-county senatorial districts
Members of the State House of Representatives in single-county representative districts
Propositions submitted to the voters of one county.

If the chairman of the county board of elections fails or neglects to transmit duplicate abstracts to the chairman of the State Board of Elections within the time prescribed in this section, he shall be guilty of a Class 2 misdemeanor. Provided, that the penalty shall not apply if the chairman was prevented from performing the prescribed duty because of sickness or other unavoidable delay, but the burden of proof shall be on the chairman to show that his failure to perform was due to sickness or unavoidable delay. (1933, c. 165, s. 8; 1966, Ex. Sess., c. 5, s. 3; 1967, c. 775, s. 1; 1969, c. 44, s. 86; c. 971, s. 2; 1973, c. 47, s. 2; c. 793, s. 69; 1975, c. 844, s. 7; 1977, c. 265, s. 14; 1987, c. 565, s. 5; 1993, c. 539, s. 1103; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the first sentence of the second paragraph.

§ 163-181. Certification of election stayed when election is contested.

CASE NOTES

Cited in Lake v. State Bd. of Elections, 798 F. Supp. 1199 (M.D.N.C. 1992).

ARTICLE 16.

Canvass of Returns for Higher Offices and Preparation of State Abstracts.

§ 163-192. State Board of Elections to prepare abstracts and declare results of primaries and elections.

(a) After Primary. — At the conclusion of its canvass of the primary election, the State Board of Elections shall prepare separate abstracts of the votes cast:

(1) For Governor and all State officers, justices of the Supreme Court, judges of the Court of Appeals, judges of the superior court, and United States Senators.
(2) For members of the United States House of Representatives for the several congressional districts in the State.
(3) For district court judges for the several district court districts in the State.
(4) For district attorney in the several prosecutorial districts in the State.
(5) For State Senators in the several senatorial districts in the State composed of more than one county.
(6) For members of the State House of Representatives in the several representative districts in the State composed of more than one county.

Abstracts prepared by the State Board of Elections under this subsection shall state the total number of votes cast for each candidate of each political party for each of the various offices canvassed by the State Board of Elections. They shall also state the name or names of the person or persons whom the State Board of Elections shall ascertain and judicially determine by the count to be nominated for each office.

Abstracts prepared under this subsection shall be signed by the members of the State Board of Elections in their official capacity and shall have the great seal of the State affixed thereto.

(b) After General Election. — At the conclusion of its canvass of the general election, the State Board of Elections shall prepare abstracts of the votes cast:

(1) For President and Vice-President of the United States, when an election is held for those offices.

(2) For Governor and all State officers, justices of the Supreme Court, judges of the Court of Appeals, judges of the superior court, and United States Senators.

(3) For members of the United States House of Representatives for the several congressional districts in the State.

(4) For district court judges for the several district court districts as defined in G.S. 7A-133 in the State.

(5) For district attorney in the several prosecutorial districts in the State.

(6) For State Senators in the several senatorial districts in the State composed of more than one county.

(7) For members of the State House of Representatives in the several representative districts in the State composed of more than one county.

(8) For and against any constitutional amendments or propositions submitted to the people.

Abstracts prepared by the State Board of Elections under this subsection shall state the names of all persons voted for, the office for which each received votes, and the number of legal ballots cast for each candidate for each office canvassed by the State Board of Elections. They shall also state the name or names of the person or persons whom the State Board of Elections shall ascertain and judicially determine by the count to be elected to each office.

Abstracts prepared under this subsection shall be signed by the members of the State Board of Elections in their official capacity and shall have the great seal of the State affixed thereto.

(c) Disposition of Abstracts of Returns. — The State Board of Elections shall file with the Secretary of State the original abstracts of returns prepared by it under the provisions of subsections (a) and (b) of this section, and also the duplicate county abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-177. Upon the request of the Legislative Services Office, the Secretary of State shall submit a copy of the original abstracts to that Office. (1933, c. 165, s. 9; 1966, Ex. Sess., c. 5, s. 7; 1967, c. 775, s. 1; 1969, c. 44, s. 87; 1987, c. 491, ss. 2, 3; 1987 (Reg. Sess., 1988), c. 1037, s. 126; 1991 (Reg. Sess., 1992), c. 927, s. 2; 1993, c. 553, s. 65.)

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 1, 1992, added the second sentence in subsection (c).

The 1993 amendment, effective July 24, 1993, in subdivision (b)(4) substituted "districts" for "district".

§ 163-195. Secretary of State to record abstracts and general election results.

(a) The Secretary of State shall record the State, district, and county abstracts filed with him by the State Board of Elections in a book to be kept by him for that purpose.

(b) Within seven days after the county board of elections meets to canvass the returns for the general election, the chairman of that board shall mail, or otherwise deliver, to the Secretary of State results of elections for:

President and Vice President of the United States
Governor, Lieutenant Governor, and all other State executive officers
United States Senators
Members of the House of Representatives of the United States Congress
Justices, Judges, and District Attorneys of the General Court of Justice
State Senators
Members of the State House of Representatives
Constitutional amendments and propositions submitted to the voters of the State.

The chairman shall deliver the results in a format prescribed by the Secretary of State. The chairman shall use the same format to amend the results to reflect any recounts or changes in the data that he learns of later after the initial results are sent in. In prescribing the format for any county, the Secretary of State shall, to the extent practicable, work within the limits of that county's existing reporting system.

The Secretary of State shall compile the results he receives in a document and deliver copies to the State Senate and the State House of Representatives within 90 days after the general election. The Secretary of State shall amend the document to correct any inaccuracies that later counts reveal in the data, and shall provide the House and Senate with the corrected data. (1933, c. 165, s. 9; 1967, c. 775, s. 1; 1991, c. 428, s. 1; 1991 (Reg. Sess., 1992), c. 927, s. 4.)

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 1, 1992, added the last sentence in the next to the last paragraph in subsection (b).

ARTICLE 17.

Members of United States House of Representatives.

§ 163-201. Congressional districts specified.

(a) For the purpose of nominating and electing members of the House of Representatives of the Congress of the United States in 1992 and every two years thereafter, the State of North Carolina shall be divided into 12 districts as follows:

District 1: Beaufort County: Chocowinity township, Richland township, Washington township: Tract 9903, Tract 9904; Bertie County, Bladen County: Abbotts township: Tract 9504: Block Group 5: Block 546A; Tract 9506: Block Group 5: Block 508A; Block Group 7: Block 701, Block 702A, Block 703A, Block 703B, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719A, Block 720A, Block 720B, Block 721, Block 722, Block 723A, Block 724A, Block 725, Block 726, Block 727, Block 728A, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block

739, Block 740, Block 741, Block 742, Block 743, Block 744, Block 745, Block 746, Block 747A, Block 748, Block 749, Block 750, Block 751A, Block 752A, Block 753A, Block 754A, Block 759A, Block 760, Block 783, Block 784, Block 785, Block 786A; Brown Marsh township, Carvers Creek township, Central township, Elizabethtown township, Frenchs Creek township, Lake Creek township, Turnbull township, White Oak township, Whites Creek township; Chowan County, Columbus County: Bolton township, Chadbourn township: Tract 9905: Block Group 4: Block 415A, Block 416A, Block 417A, Block 424A, Block 425A, Block 426, Block 427, Block 428A, Block 429, Block 430, Block 431, Block 432; Tract 9907: Block Group 1: Block 103A, Block 105A, Block 106A, Block 107A, Block 108A, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 113, Block 114, Block 115, Block 119, Block 120A, Block 121, Block 122, Block 123; Block Group 2: Block 210A, Block 210B, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 230, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239; Block Group 4: Block 410A, Block 410B, Block 411A, Block 411B, Block 412, Block 413, Block 414, Block 415, Block 416A, Block 416B, Block 417; Block Group 5: Block 501A, Block 502A, Block 503A, Block 508B, Block 508C, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516B, Block 517B, Block 520; Tract 9909: Block Group 6: Block 606A, Block 607A, Block 608, Block 612, Block 613, Block 614, Block 615A; Ransom township, Welch Creek township, Western Prong township, Whiteville township: Tract 9907: Block Group 1: Block 120B; Tract 9908: Block Group 1: Block 118, Block 121; Block Group 2: Block 206A, Block 206B, Block 210; Block Group 3: Block 302, Block 303, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 312, Block 313A, Block 313B, Block 313C, Block 314, Block 315A, Block 315B, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 407, Block 408, Block 409A, Block 409B, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Tract 9909: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 102C, Block 102D, Block 103, Block 107, Block 121A, Block 121B, Block 121C, Block 122; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352A, Block 352B, Block 353, Block 354, Block 355, Block 356; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420A, Block 420B, Block 421A, Block 421B, Block 422, Block 423B, Block 427, Block 428, Block 429; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 507C, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 525, Block 526; Block Group 6: Block 601A, Block 601B, Block 602, Block 603, Block 604, Block 605, Block 606B, Block 607B, Block 615B, Block 616, Block 619, Block 620B; Tract 9910: Block Group 1: Block 101A, 101B, Block 101D, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 108C, Block 108D, Block 109, Block 110A, Block 110B, Block 110C, Block 110D, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 114, Block 115A, Block 115B, Block 116A, Block 116B, Block 117, Block 118A, Block 118B, Block 118C, Block 119A, Block 119B, Block 120, Block 121A, Block 121B, Block 122A, Block 122B, Block 123A, Block 123B, Block 123C, Block 124, Block 125A, Block 125B, Block 126A, Block 126B, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132A; Craven County: Cove City *, Dover *, Fort Barnwell *, Harlowe *, Croatan *: Tract 9610: Block Group 7: Block 711, Block 712, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742, Block 743, Block 744, Block 745, Block 746, Block 747, Block 748, Block 749, Block 750, Block 751, Block 752, Block 753, Block 754, Block 755; Tract 9611: Block Group 1: Block 116; Block Group 2: Block 202, Block 203, Block 204, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 223, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 289, Block 290; Havelock *: Tract 9611: Block Group 2: Block 249, Block 250, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Tract 9613: Block Group 2: Block 219A, Block 219B, Block 222, Block 223; Block Group 3: Block 323B, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Block Group 5: Block 503G, Block 525B; First Ward *, Second Ward *, Third Ward *, Fourth Ward *, Fifth Ward *, Clarks *, Rhems *: Tract 9604: Block Group 5: Block 516, Block 517, Block 518, Block 521D, Block 530B, Block 531C, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547A, Block 547B, Block 548, Block 549, Block 550, Block 556, Block 558, Block 559, Block 560, Block 561, Block 562B, Block 563, Block 564, Block 565, Block 566, Block 567, Block 568, Block 569, Block 570, Block 571, Block 572; Block Group 7: Block 701, Block 702, Block 711B, Block 712B, Block 738B, Block 739, Block 740, Block 741, Block 742, Block 743; Jasper *; Cumberland County: Beaver Dam *: Tract 0029: Block Group 1: Block 116; Block Group 2: Block 222A, Block 224A, Block 225A, Block 226A, Block 227A, Block 228A, Block 229, Block 230, Block 231, Block 232, Block 233A, Block 234A, Block 235, Block 236, Block 237, Block 238A, Block 239A, Block 250A, Block 251A, Block 252A, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266; Block Group 3: Block 311, Block 336; Cedar Creek *, Cross Creek #1 *, Cross Creek #3 *, Cross Creek #5 *, Cross Creek #9 *: Tract 0012: Block Group 2: Block 203; Tract 0024: Block Group 9: Block 901A, Block 902, Block 903, Block 904, Block 905, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914; Tract 0025.01: Block Group 9: Block 911, Block 931, Block 933; Cross Creek #10 *, Cross Creek #13 *, Cross Creek #15 *: Tract 0004: Block Group 2: Block 231, Block 232; Tract 0006: Block Group 1: Block 133; Block Group 3: Block 301, Block 302, Block 304, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 413, Block 414, Block 415; Cross Creek #16 *, Cross Creek #17 *: Tract 0010: Block Group 1, Block Group 3: Block 313, Block 314, Block 315, Block 316; Block Group 9; Tract 0011: Block Group 1: Block 102, Block 103, Block 104, Block 108, Block 109, Block 112, Block 113, Block 115, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0024: Block Group 1: Block 101B, Block 101C, Block 104, Block 105A, Block 105B, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 115, Block 116, Block 117, Block 118, Block 138; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 4: Block 406A; Block Group 5; Cross Creek #19 *, Sherwood *, Pearces Mill #3 *; Duplin County: Glisson *: Tract 9901: Block Group 2: Block 201, Block 202, Block 208, Block 209, Block 210, Block 211, Block 225, Block 227, Block 234, Block 235, Block 237, Block 257A, Block 257B; Charity *, Kenansville *, Magnolia *, Rockfish *, Warsaw *; Edgecombe County: Precinct 1-1 *, Precinct 1-2 *: Tract 0209: Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205, Block 206, Block 207A, Block 207B, Block 208A, Block 208B, Block 211, Block 212, Block 213, Block 214, Block 215, Block 219, Block 224, Block 228, Block 229; Precinct 3-1 *, Precinct 4-1 *, Precinct 5-1 *, Precinct 6-1 *, Precinct 7-1 *, Precinct 12-1 *, Precinct 12-2 *, Precinct 12-3 *: Tract 0202: Block Group 5: Block 513B; Block Group 6: Block 614, Block 625; Tract 0204: Block Group 7: Block 702, Block 703B, Block 704B, Block 705, Block 706, Block 707, Block 708C, Block 709B, Block 710, Block 712, Block 713, Block 714, Block 721B, Block 722B; Precinct 12-4 *, Precinct 12-5 *; Gates County, Greene County, Halifax County: Hollister *: Tract 9906: Block Group 3: Block 301A, Block 302A, Block 303B, Block 325A, Block 325B, Block 326A, Block 326B; Tract 9908: Block Group 1: Block 113A, Block 113B, Block 127, Block 128, Block 134A, Block 134B, Block 135A, Block 138A, Block 138B, Block 139; Block Group 3: Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330; Block Group 4: Block 401, Block 402, Block 403, Block 417, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451; Ringwood *, Butterwood *, Tract 9907: Block Group 4: Block 411A, Block 412, Block 446A, Block 448, Block 449; Conoconnara *, Enfield #1 *, Enfield #2 *, Enfield #3 *, Faucett *: Tract 9905: Block Group 7: Block 707A, Block 715, Block

716; Tract 9906: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 226, Block 227, Block 228, Block 236, Block 237, Block 240, Block 241, Block 247, Block 248; Block Group 3: Block 310, Block 314, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325C, Block 326C, Block 326D, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333; Tract 9908: Block Group 2: Block 201C; Tract 9909: Block Group 1: Block 101B, Block 101C, Block 102C, Block 102D, Block 103B, Block 103C, Block 104A, Block 104B; Tract 9910: Block Group 1: Block 110, Block 111, Block 112, Block 113, Block 114; Halifax *, Littleton #1 *: Tract 9907: Block Group 2: Block 240, Block 241, Block 242, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 269, Block 270, Block 271; Block Group 3: Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 316A, Block 316B, Block 318, Block 320, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 344, Block 345, Block 346, Block 347, Block 348A, Block 348B, Block 349, Block 350, Block 351; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 411B, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425A, Block 425B, Block 426A, Block 426B, Block 427, Block 428, Block 429A, Block 429B, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446B, Block 447; Tract 9908: Block Group 1: Block 108; Hobgood *, Palmyra *, Roanoke Rapids #7 *, Roanoke Rapids #9 *: Tract 9905: Block Group 5: Block 509, Block 510, Block 511A, Block 511B, Block 512A, Block 512B, Block 513, Block 514, Block 515, Block 516, Block 517A, Block 519, Block 520A, Block 520B, Block 521A, Block 521B; Block Group 6: Block 601A, Block 601B, Block 602A, Block 602B, Block 602C, Block 603, Block 604A, Block 604B, Block 605, Block 606, Block 607A, Block 607B, Block 608, Block 609, Block 610A, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622; Roseneath *, Scotland Neck #1 *, Scotland Neck #2 *, Weldon #1 *, Weldon #2 *, Weldon #3 *; Hertford County, Jones County: Pollocksville *, Trenton *; Lenoir County: Contentnea *, Kinston #1 *, Kinston #2 *, Kinston #6 *, Kinston #7 *, Kinston #8 *, Moseley Hall *, Trent #2 *: Tract 0112: Block Group 4: Block 406, Block 407, Block 410, Block 411, Block 412, Block 422, Block 423, Block 424, Block 425, Block 445, Block 449, Block 450; Vance *; Martin County: Goose Nest, Hassell, Hamilton, Poplar Point, Robersonville #1, Robersonville #2, Williamston #1, Williamston #2, VTD's not defined; Nash County: Griffins *: Tract 0108: Block Group 1: Block 166A, Block 167; Tract 0109: Block Group 1: Block 101, Block 102, Block 103, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block

143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153A, Block 153B, Block 156B, Block 156C, Block 157; Block Group 2: Block 206E, Block 206F, Block 207D; Block Group 3: Block 301, Block 302, Block 303A, Block 304; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438A, Block 438B, Block 439, Block 440A, Block 441, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 453, Block 454; No. Whitakers #1 *, No. Whitakers #2 *, Rocky Mount #3 *, Rocky Mount #4 *, Battleboro *; New Hanover County: Cape Fear #1 *: Tract 0115: Block Group 1: Block 141, Block 142, Block 143; Block Group 2: Block 209; Block Group 4: Block 401; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558, Block 559; Wilmington #1 *, Wilmington #2 *, Wilmington #3 *, Wilmington #6 *, Wilmington #7 *, Wilmington #8 *: Tract 0110: Block Group 1: Block 102, Block 124, Block 129; Block Group 2: Block 201, Block 207, Block 208, Block 209, Block 210, Block 211, Block 213, Block 223; Block Group 3: Block 312, Block 313, Block 314, Block 318, Block 319, Block 322, Block 323; Wilmington #9 *: Tract 0103: Block Group 2: Block 208, Block 209, Block 210; Tract 0116.02: Block Group 4: Block 420A; Wilmington #10 *, Wilmington #15 *, Northampton County, Pasquotank County: Newland, Nixonton, Elizabeth City 1-A, Elizabeth City 3-A, Elizabeth City 3-B, Elizabeth City 4-A, Elizabeth City 4-B; Pender County: Canetuck *, Caswell *, Columbia *, Grady *: Tract 9805: Block Group 1: Block 182B, Block 183B, Block 184B, Block 185, Block 186, Block 187, Block 188; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 408, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 419, Block 425, Block 426, Block 427, Block 428, Block 457, Block 468, Block 469, Block 470, Block 472, Block 484, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492, Block 495; Upper Holly *, Upper Union *; Perquimans County, Pitt County: Arthur *, Ayden East *, Belvoir *, Bethel *, Carolina *, Falkland *, Farmville West *, Farmville East *, Fountain *, Grifton *, Grimesland *, Pactolus *, Greenville #1 *, Greenville #2, Greenville #3 *, Greenville #4 *, Greenville #5 *, Greenville #6 *, Greenville #13 *, Greenville #2 Noncontiguous; Vance County: Middleburg, Townsville, Williamsboro, East Henderson I, East Henderson II, North Henderson I, North Henderson II, South Henderson I; Warren County, Washington County, Wayne County: White Hall *: Tract 0006: Block Group 6: Block 650, Block 651, Block 659, Block 660, Block 661; Block Group 7: Block 743, Block 744, Block 746, Block 747; Wilson County: Gardners *, Saratoga *, Stantonsburg *: Tract 0010: Block Group 1: Block 101A, Block 101B, Block 112, Block 116A, Block 117A, Block 117B, Block 117C, Block 118A, Block 118B, Block 119, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139A, Block 139B, Block 140, Block 141A, Block 141B, Block 142, Block 143, Block 144A, Block 144B, Block 145, Block 146A, Block 146B, Block 147A, Block 147B, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164; Tract 0011: Block Group 2: Block 230B; Toisnot *: Tract 0013: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 124, Block 125, Block 134, Block 135, Block 136, Block 137, Block 138, Block 143, Block 144, Block 145, Block 146; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 213, Block 214; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 311C, Block 312A, Block 312B, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325A, Block 326, Block 327, Block 329, Block 336, Block 337, Block 338, Block 339; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407A, Block 408, Block 409, Block 410, Block 411, Block 412A; Block Group 5: Block 508, Block 509, Block 512, Block 513, Block 514, Block 521, Block 522, Block 523A, Block 523B, Block 524A, Block 524B, Block 525A, Block 526, Block 527, Block 528, Block 529A, Block 529B, Block 529C, Block 530A, Block 530B, Block 531A, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541A, Block 541B, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548; Wilson A *, Wilson B *, Wilson C *, Wilson E *: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 114, Block 115, Block 116, Block 117, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 213, Block 214, Block 215, Block 217, Block 218, Block 219; Tract 0006: Block Group 2: Block 206, Block 210, Block 213, Block 214, Block 216, Block 217; Block Group 5: Block 518B; Tract 0013: Block Group 4: Block 416; Wilson F *, Wilson G *, Wilson H *, Wilson I *: Tract 0003: Block Group 1: Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 127, Block 128, Block 129; Block Group 2: Block 207, Block 208, Block 213, Block 214, Block 223; Wilson N *, Wilson Q *.

District 2: Durham County: Neal Junior H.S. *, Brogden Junior H.S. *, Club Blvd. School *, Edison Johnson Community Center *, E.K. Powe School *, Fire Station #6 *, Hillandale School *, Holy Infant Catholic Church *, Hope Valley School *, Multi-Purpose Building/Duke *, NC School of Science & Math *, Rogers-Herr Junior H.S. *, St. Stephens/Parish Hall *: Tract 0020.07: Block Group 4: Block 406, Block 410; Tract 0020.08: Block Group 1, Block

Group 2, Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4; Cole Mill Church of Christ *, Eno Valley School *, Bethesda Ruritan Club *, Oak Grove School *, Durham Academy Gym *, Five Oaks Seventh Day Adventist Church *, Jordan H.S. *, Nelson Community Center *, Parkwood School *; Edgecombe County: Precinct 1-2 *: Tract 0209: Block Group 2: Block 209, Block 210, Block 216A, Block 216B, Block 217A, Block 217B, Block 217C, Block 217D, Block 218, Block 225, Block 226, Block 227; Tract 0210: Block Group 5: Block 506, Block 507, Block 516, Block 517, Block 518, Block 530, Block 531, Block 532; Block Group 9; Tract 0212: Block Group 2, Block Group 5; Tract 0213: Block Group 2: Block 248A, Block 248B, Block 250; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 318A; Precinct 1-3 *, Precinct 1-4 *, Precinct 2-1 *, Tract 0209: Block Group 2: Block 220, Block 221, Block 222, Block 223; Precinct 8-1 *, Tract 0213: Block Group 3: Block 301C, Block 306C, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318B, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326; Precinct 9-1 *, Precinct 10-1 *, Precinct 11-1 *, Tract 0213: Block Group 1: Block 102, Block 122, Block 123, Block 124; Precinct 12-3 *: Tract 0202: Block Group 1: Block 151B, Block 151C, Block 153; Block Group 4: Block 411B, Block 416B, Block 417B, Block 424C, Block 424D, Block 425; Block Group 5: Block 506B, Block 513C, Block 516, Block 520C; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 626, Block 627, Block 628, Block 632, Block 633; Tract 0203: Block Group 5: Block 501B; Block Group 6: Block 618, Block 619; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706B, Block 707B, Block 708B, Block 709B, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715C, Block 716B, Block 717B, Block 718B, Block 729B, Block 730B, Block 735B; Tract 0204: Block Group 7: Block 701, Block 711; Tract 0213: Block Group 1: Block 101, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135; Block Group 2: Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217B, Block 218B; Tract 0214: Block Group 1: Block 101, Block 104, Block 105; Precinct 13-1 *, Precinct 14-1 *; Franklin County, Granville County: Brassfield *, Butner *, Creedmoor *, Antioch *, Corinth *, Credle *, East Oxford *, South Oxford *, Salem *, Tally Ho *; Halifax County: Hollister *: Tract 9906: Block Group 3: Block 301B, Block 302B, Block 302C, Block 303A, Block 303C; Tract 9908: Block Group 1: Block 117A, Block 117B, Block 124A, Block 124B, Block 124C, Block 125A, Block 126, Block 129, Block 130, Block 131A, Block 131B, Block 131C, Block 132, Block 133, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146; Block Group

2: Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 331, Block 332; Block Group 4: Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 421; Faucett *: Tract 9906: Block Group 2: Block 220, Block 221C, Block 223B, Block 225B, Block 229, Block 230, Block 231B, Block 232, Block 233, Block 234, Block 235, Block 242, Block 243, Block 244, Block 245, Block 246, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264; Block Group 3: Block 301C, Block 301D, Block 302D, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 315, Block 316; Tract 9907: Block Group 4: Block 408A; Littleton #1 *: Tract 9907: Block Group 4: Block 405, Block 406, Block 408B, Block 409, Block 410, Block 413; Littleton #2 *, Roanoke Rapids #1 *, Roanoke Rapids #2 *, Roanoke Rapids #3 *, Roanoke Rapids #4 *, Roanoke Rapids #5 *, Roanoke Rapids #6 *, Roanoke Rapids #8 *, Roanoke Rapids #9 *: Tract 9905: Block Group 2: Block 216, Block 218, Block 219; Block Group 5: Block 517B, Block 518; Block Group 6: Block 610B, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707B, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 717, Block 718; Roanoke Rapids #10 *, Roanoke Rapids #11 *; Harnett County, Johnston County, Lee County, Moore County: Township 4, Ritters: Tract 9501: Block Group 2: Block 202A, 203A, Block 210, Block 211A, Block 212, Block 213, Block 214, Block 215, Block 231, Block 242; Township 5, Deep River, Tract 9501: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109C, Block 110B, Block 142B, Block 142C, Block 142D, Block 142E, Block 142F, Block 145G, Block 146B, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 179B, Block 179C; Township 6, Greenwood, Township 7, McNeill, Township 8, Sand Hill, Township 9, Mineral Springs, Township 10, Little River; Nash County: Bailey *, Castalia *, Coopers *, Drywells *, Ferrells *, Griffins *: Tract 0109: Block Group 1: Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 4: Block 452; Jacksons *, Mannings #1 *, Mannings #2 *, Nashville *, Oak Level, Oak Level Noncontiguous, Red Oak *, Rocky Mount #1 *, Rocky Mount #2 *, Rocky Mount #5 *, Rocky Mount #6 *, Rocky Mount #7 *, Stony Creek #1, Stony Creek Noncontiguous A, Stony Creek Noncontiguous B; Vance County: Dabney, Hilltop, Kittrell, Sandy Creek, Watkins, South Henderson II, West Henderson I, West Henderson IIA, West Henderson IIB; Wake County: New Light #1 *; Wilson County: Black Creek *, Cross Roads *, Old Fields *, Spring Hill *, Stantonsburg *: Tract 0008.02: Block Group 2: Block 238, Block 239, Block 240, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250; Block Group 3: Block 319A, Block 320, Block 321A, Block 322, Block 323; Tract 0009: Block Group 3: Block 301B; Tract 0010: Block Group 1: Block

101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 114, Block 115, Block 116B; Taylors *, Toisnot *: Tract 0012: Block Group 1: Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 114, Block 118, Block 119, Block 120, Block 121; Tract 0013: Block Group 1: Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 139, Block 140, Block 141, Block 142; Block Group 2: Block 204, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 251; Block Group 3: Block 325B, Block 328; Block Group 4: Block 407B, Block 412B, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 510, Block 511, Block 515, Block 516A, Block 516B, Block 517, Block 518, Block 519, Block 520, Block 525B, Block 531B, Block 549; Wilson D *, Wilson E *: Tract 0006: Block Group 2: Block 201, Block 202, Block 205, Block 207, Block 208, Block 209, Block 211, Block 212, Block 215; Block Group 3, Block Group 5: Block 517, Block 518A; Tract 0013: Block Group 4: Block 415, Block 417, Block 418; Wilson I *: Tract 0003: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 126; Block Group 2: Block 209, Block 210, Block 211, Block 212; Tract 0004: Block Group 5: Block 520B, Block 520X, Block 520Y, Block 520Z, Block 521, Block 522, Block 523, Block 524A, Block 524B, Block 525, Block 526, Block 527A, Block 527B, Block 528A, Block 528B, Block 529A, Block 529B, Block 529C, Block 531A, Block 531B, Block 532A, Block 532B, Block 535; Tract 0008.02: Block Group 2: Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 211C, Block 212, Block 213, Block 214, Block 234A, Block 234B, Block 235, Block 251A, Block 251B, Block 252, Block 253A, Block 253B, Block 254, Block 255, Block 256, Block 257; Tract 0009: Block Group 1: Block 108, Block 109; Wilson J *, Wilson K *, Wilson L *, Wilson M *, Wilson P *.

District 3: Beaufort County: Bath township, Long Acre township, Pantego township, Washington township: Tract 9902: Block Group 1: Block 129B, Block 130B, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157B, Block 158B, Block 159B, Block 160B, Block 175B, Block 176B, Block 185B, Block 186B, Block 187B, Block 189, Block 190, Block 191, Block 197; Block Group 2; Tract 9905: Block Group 5: Block 522A, Block 528A; Camden County, Carteret County; Craven County: Ernul *, Epworth *, Vanceboro *, Bridgeton *, Truitt *, Croatan *: Tract 9611: Block Group 1: Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 205, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 224, Block 225; Havelock *: Tract 9611: Block Group 1: Block 128A, Block 128B, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134; Block Group 2: Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 251, Block 252, Block 253, Block 254A, Block 254B, Block 255A, Block 255B, Block 256, Block 257, Block 258, Block 259A, Block 259B, Block 260, Block 261, Block 262A, Block 262B, Block 262C, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280A, Block 280B, Block 280C, Block 281, Block 282; Block Group 3; Tract 9612, Tract 9613: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 210C, Block 211A, Block 211B, Block 211C, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 217B, Block 217C, Block 218A, Block 218B, Block 218C, Block 220, Block 221, Block 224, Block 225; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 317A, Block 317B, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323A, Block 323C; Block Group 4, Block Group 5: Block 503A, Block 503B, Block 503C, Block 503D, Block 503E, Block 505A, Block 505B, Block 506A, Block 506B, Block 507A, Block 507B, Block 508A, Block 508B, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 540B; Block Group 6: Block 642, Block 643, Block 644A, Block 644B, Block 645; Grantham *, Sixth Ward *, Country Club *, Rhems *: Tract 9604: Block Group 7: Block 704; River Bend *, Tract 9604: Block Group 5: Block 562A; Block Group 7: Block 703, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711A, Block 712A, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738A; Trent Woods *, Woodrow *; Currituck County; Dare County; Duplin County: Albertson *, Chinquapin *, Cypress Creek *, Calypso *, Faison *, Glisson *: Tract 9901: Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 226, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256; Wallace *, Beulaville *, Cedar Fork *, Rose Hill *, Smith/Cabin *, Wolfscrape *, Hyde County; Jones County: Beaver Creek *, Chinquapin *, Cypress Creek *, Tuckahoe *, White Oak *; Lenoir

County: Falling Creek *, Institute *, Kinston #3 *, Kinston #4 *, Kinston #5 *, Kinston #9 *, Neuse *, Pink Hill #1 *, Pink Hill #2 *, Tract 0112: Block Group 3: Block 339A, Block 341; Sandhill *, Southwest *, Trent #1 *, Trent #2 *: Tract 0112: Block Group 3: Block 301; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 446, Block 447, Block 448; Woodlington *, Martin County: Bear Grass, Cross Roads, Griffins, Jamesville, Williams; Onslow County: East Northwoods *, West Northwoods *, Half Moon *: Tract 0012: Block Group 1: Block 101B, Block 102B, Block 108B, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 128, Block 129, Block 132, Block 136, Block 137; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 306B, Block 307A; Jacksonville, New River *, Catherine Lake *, Haw Branch *, Gum Branch *, Richlands *, Harris Creek *, Haws Run *, Tract 0004: Block Group 4: Block 408; Holly Ridge *: Tract 0004: Block Group 4: Block 406, Block 407, Block 409, Block 410, Block 414, Block 415, Block 416, Block 417, Block 418, Block 426; Swansboro *, Mills *, Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 114, Block 115, Block 119, Block 120, Block 125B, Block 129B, Block 133, Block 134B, Block 135B, Block 136, Block 137B; Mortons *, Northeast *, VTD ZZZZ: Tract 0001: Block Group 1: Block 104A, Block 125A, Block 126, Block 127, Block 128, Block 129A, Block 130, Block 131, Block 132, Block 134A, Block 135A, Block 137A, Block 138, Block 139A, Block 140, Block 141, Block 142, Block 143, Block 144A, Block 144B, Block 144C, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169A, Block 170, Block 171A, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177A, Block 177B, Block 178, Block 179, Block 185, Block 186, Block 196A, Block 196B, Block 197A, Block 197B; Tract 0002: Block Group 6: Block 627A, Block 628, Block 629A, Block 629B, Block 630A, Block 631, Block 632, Block 633, Block 634A, Block 635A, Block 648A, Block 649A; Tract 0012: Block Group 1: Block 101A, Block 102A, Block 103, Block 104, Block 105, Block 106, Block 107A, Block 108A, Block 109A; Tract 0013: Block Group 1: Block 107; Pamlico County: Pamlico County; Pasquotank County: Mount Hermon, Providence, Salem, Elizabeth City 1-B, Elizabeth City 2-A, Elizabeth City 2-B; Pender County: North Burgaw *, South Burgaw *, Grady *: Tract 9805: Block Group 4: Block 407, Block 409, Block 418, Block 420, Block 421, Block 422, Block 423, Block 424, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 471, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 485, Block 493, Block 494, Block 496; Tract 9806: Block Group 3: Block 339; Middle Holly *, Long Creek *, Penderlea *, Lower Union *, Rocky Point *, Upper Topsail *; Pitt County: Ayden West *, Chicod *, Simpson *, Swift Creek *, Winterville West *, Winterville East *, Greenville #7 *, Greenville #8 *, Greenville #9 *, Greenville #10 *, Greenville #11 *, Greenville #12 *; Sampson County, Tyrrell County, Wayne County: Brogden *, Mt. Olive *, Buck Swamp *, Fork *, Grantham *, Great Swamp *, Goldsboro #1 *, Goldsboro #2 *, Goldsboro #3 *, Goldsboro #4 *, Goldsboro #5 *, Indian Springs *, White Hall *: Tract 0006: Block Group 6: Block 605, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 644, Block 645, Block 646, Block 647, Block 652, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658; Block Group 7: Block 701, Block 702, Block 703, Block 704A, Block 704B, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714A, Block 714B, Block 715, Block 716A, Block 716B, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728A, Block 728B, Block 729A, Block 729B, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742, Block 745, Block 748; Eureka *, Fremont *, New Hope *, Pikeville *, Saulston *, Pinewood *, Stoney Creek *.

District 4: Chatham County, Orange County: Orange Grove *, White Cross *, Carr *: Tract 0108: Block Group 1: Block 130, Block 131, Block 132, Block 154, Block 185, Block 186, Block 187; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 472, Block 475, Block 476A, Block 477, Block 478, Block 479A, Block 480, Block 481, Block 482, Block 483A, Block 484A, Block 485A; Tract 0111: Block Group 2: Block 206A, Block 207, Block 209, Block 210, Block 211A, Block 212A, Block 213, Block 214A, Block 215A; Cedar Grove *: Tract 0108: Block Group 1: Block 145, Block 147, Block 149, Block 150, Block 151, Block 152, Block 153, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 188, Block 189, Block 190; Block Group 4: Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463A, Block 464, Block 465, Block 466A, Block 467A, Block 468, Block 469A, Block 470A, Block 471A, Block 473, Block 474; Tolars *: Tract 0108: Block Group 2: Block 271, Block 272, Block 273, Block 274, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284A; Block Group 3: Block 307A, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319A, Block 342A, Block 342B, Block 343, Block 344, Block 345, Block 346A, Block 347, Block 348, Block 349, Block 350, Block 351, Block 354A, Block 355A, Block 356A, Block 357, Block 358A, Block 359, Block 360A, Block 361A, Block 361B, Block 381, Block 382; Tract 0109: Block Group 2: Block 213A; Battle Park *, Coker Hills *, Coles Store *, Colonial Heights *, Country Club *, Dogwood Acres *, East Franklin *, Eastside *, Estes Hills *, Foxcroft *, Glenwood *, Greenwood *, Kings Mill *, Lincoln *, Lions Club *, Mason Farm *, North Carrboro *, Norside *, Owasa *, Patterson *, Ridgefield *, St. John *, Town Hall *, Weaver Dairy *, Westwood *, Cheeks *, Efland *, St. Marys *, Cameron Park *, Grady Brown *, Hillsborough *, West Hillsborough *, Caldwell *: Tract 0108: Block Group 3: Block 338, Block 339, Block 340, Block 346B, Block 352, Block 353, Block 354B, Block 355C, Block 356B, Block 361E, Block 362B, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 376, Block 377, Block 378, Block 379, Block 380B; Wake County: Raleigh 01-01 *, Raleigh 01-02 *, Raleigh 01-03 *, Raleigh 01-04 *, Raleigh 01-05 *, Raleigh 01-06 *, Raleigh 01-07 *, Raleigh 01-09 *, Raleigh 01-10 *, Raleigh 01-11 *, Raleigh 01-12 *, Raleigh 01-13 *, Raleigh 01-14 *, Raleigh 01-15 *, Raleigh 01-16 *, Raleigh 01-17 *, Raleigh 01-18 *, Raleigh 01-19 *, Raleigh 01-20 *, Raleigh 01-21 *, Raleigh 01-22 *, Raleigh 01-23 *, Raleigh 01-26 *, Raleigh 01-27 *, Raleigh 01-28 *, Raleigh 01-29 *, Raleigh 01-30 *, Raleigh 01-31 *, Raleigh 01-32 *, Raleigh 01-33 *, Raleigh 01-34 *, Raleigh 01-35 *, Raleigh 01-36 *, Raleigh 01-37 *, Raleigh 01-38 *, Raleigh 01-39 *, Raleigh 01-40 *, Raleigh 01-41 *, Raleigh 01-42 *, Raleigh 01-43 *, Raleigh 01-44 *, Raleigh 01-45 *, Raleigh 01-46 *, Bartons Creek #1 *, Bartons Creek #2 *, Buckhorn *, Cary #1 *, Cary #2 *, Cary #3 *, Cary #4 *, Cary #5 *, Cary #6 *, Cary #7 *, Cary #8 *, Cary #9 *, Cary #10 *, Cedar Fork *, Holly Springs *, House Creek #1 *, House Creek #2 *, House Creek #3 *, House Creek #4 *, House Creek #5 *, House Creek #6 *, Leesville #1 *, Leesville #2 *, Leesville #3 *, Little River #1 *, Little River #2 *, Marks Creek #1 *, Marks Creek #2 *, Meredith *, Middle Creek #1 *, Middle Creek #2 *, Raleigh 01-27 Part, Neuse #1 *, Neuse #2 *, New Light #2 *, Panther Branch *, St. Marys #1 *, St. Marys #2 *, St. Marys #3 *, St. Marys #4 *, St. Marys #5 *, St. Marys #6 *, St. Marys #7, St. Matthews #1 *, St. Matthews #2 *, St. Matthews #3 *, St. Matthews #4 *, Swift Creek #1 *, Swift Creek #2 *, Swift Creek #3 *, Swift Creek #4 *, Wake Forest #1 *, Wake Forest #2 *, White Oak #1 *, White Oak #2 *.

District 5: Alleghany County; Ashe County; Burke County: Drexel #1 *, Drexel #2 *, Linville #2 *, Lower Creek *, Morganton #1 *, Morganton #3 *, Morganton #4 *, Morganton #5 *, Morganton #6 *, Morganton #7 *, Morganton #8 *, Morganton #9 *, Morganton #10 *, Quaker Meadow #1 *, Quaker Meadow #2 *, Silver Creek #1 *, Silver Creek #3 *, Silver Creek #4 *, Smoky Creek *; Caldwell County: Kings Creek *, Lenoir

#1 *, Lenoir #2 *, Lenoir #3 *, Lenoir #4 *, Lower Creek #1 *, Lower Creek #4 *, Yadkin Valley *; Caswell County, Forsyth County: Abbotts Creek #3 *, Belews Creek *, Bethania #1 *, Bethania #3 *, Kernersville #1 *, Kernersville #2 *, Kernersville #3 *, Kernersville # 4*, Middlefork #2 *, Middlefork #3 *, Old Town #2 *, Salem Chapel #1 *, Salem Chapel #2 *, Ardmore Baptist Church *, Bethabara Moravian Church *, Bible Wesleyan Church *, Bishop McGuinness *, Bolton Swimming Center *, Brown/Douglas Recreation *, Brunson Elementary School *, Christ Moravian Church *, Country Club Fire St. *, Covenant Presbyterian Church *, Easton Elementary School *, First Christian Church *, Forest Hill Fire Station *, Forsyth Tech W. Camp. *, Greek Orthodox Church *, Hanes Community Center *, Hill Middle School *, Latham Elementary School *, Memorial Coliseum *, Miller Park Recreation Center *, Mineral Springs F. St *, Mt. Tabor High School *, New Hope United Methodist Church *, Old Town Presbyterian Church *, Parkland High School *, Parkway United Church *, Philo Middle School *, Polo Park Recreation Center *, Reynolds High School Gym *, South Fork Elem School *, St. Anne's Episcopal Church *, Summit School *, Trinity Moravian Church *, Trinity United Methodist Church *, Whitaker Elementary School *; Granville County: Oak Hill *, West Oxford Elementary *, Sassafras Fork *, Walnut Grove *; Guilford County: North Madison *, Stokesdale *: Tract 0158: Block Group 1: Block 105A, Block 107A, Block 108A; Tract 0159: Block Group 1: Block 105A, Block 114A, Block 115A, Block 116, Block 117A, Block 118A, Block 118B, Block 125, Block 126, Block 127, Block 128A, Block 129A; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232B, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239A, Block 240, Block 241, Block 242, Block 243A, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251A, Block 252, Block 253; Block Group 3: Block 306A, Block 314A, Block 315A, Block 320, Block 321B, Block 322B, Block 323A, Block 323B; Person County, Rockingham County, Stokes County; Surry County, Watauga County; Wilkes County: Beaver Creek *, Boomer *, Elk No. 2 *, Moravian Falls *, No. Wilkesboro-1 *, No. Wilkesboro-3 *, Wilkesboro No. 1 *.

District 6: Alamance County: Albright*, Central Boone *, North Boone *, South Boone *, West Boone *, Boone #5 *, East Burlington *, North Burlington *: Tract 0201.01: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 117, Block 118; Block Group 2: Block 201, Block 209, Block 224; Tract 0202: Block Group 1: Block 104, Block 112, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Tract 0203: Block Group 1: Block 102, Block 103, Block 106, Block 111A, Block 111B, Block 112, Block 113A, Block 113B, Block 113C; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210; Block Group 3; Tract 0204: Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 348, Block 349; Tract 0205: Block Group 8: Block 807, Block 823; South Burlington *, West Burlington *, Burlington #5 *, Burlington #6 *, Burlington #8 *, Burlington #9 *, Coble *, East Graham *, North Graham *, South Graham *, West Graham *, Graham #3 *, North Melville *, South Melville *, Melville #3 *, North Newlin *, South Newlin *, Patterson *, North Thompson *, South Thompson *; Davidson County: Abbotts Creek *: Tract 0601: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 248, Block 250; Block Group 3, Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 915, Block 916A, Block 916B, Block 917, Block 918, Block 920, Block 921, Block 922; Alleghany *, Arcadia *, Boone *, Central *, Holly Grove *, Liberty *, Cotton *: Tract 0615: Block Group 4: Block 443; Tract 0618.01: Block Group 2: Block 204B, Block 207A, Block 207B, Block 208A, Block 208B, Block 227, Block 235C, Block 236, Block 237C, Block 238; Block Group 3: Block 301, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429; Block Group 5: Block 541, Block 542, Block 543, Block 544, Block 545; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 622, Block 623, Block 624; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 714, Block 715, Block 716, Block 745; Southmont *, Denton *, Emmons *, Silver Valley *, Hampton *, Healing Springs *, Jackson Hill *, Lexington No. 1 *: Tract 0604: Block Group 2: Block 206, Block 213, Block 226; Tract 0612: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 309, Block 310, Block 311, Block 312, Block 314, Block 315, Block 316, Block 317B, Block 318, Block 319, Block 320, Block 321, Block 322, Block 324B, Block 325B, Block 326B, Block 327B, Block 348B, Block 349C, Block 350C, Block 350D, Block 370E, Block 371B, Block 372, Block 373B, Block 374, Block 375, Block 382; Lexington No. 2 *, Lexington No. 3 *, Lexington No. 4 *, Ward No. 2 *: Tract 0613: Block Group 2: Block 220, Block 221, Block 222, Block 223, Block 237; Block Group 3: Block 340, Block 341, Block 342; Tract 0614: Block Group 2: Block 210, Block 211; Tract 0615: Block Group 1: Block 106, Block 107, Block 109, Block 110, Block 111, Block 112, Block 113, Block 120, Block 121; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 449, Block 450, Block 451, Block 452, Block 453A; Tract 0616: Block Group 1: Block 101, Block 102, Block 103, Block

105, Block 106, Block 107, Block 108, Block 109, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131; Block Group 2, Block Group 3: Block 301A, 302A, Block 314A, Block 315A, Block 319A, Block 320, Block 321, Block 322; Tract 0618.01: Block Group 2: Block 211; Ward No. 3 *, Ward No. 6 *: Tract 0614: Block Group 3: Block 340; Block Group 4: Block 413B, Block 413C, Block 414, Block 415, Block 416; Tract 0615: Block Group 1: Block 131, Block 132; Block Group 2: Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242; Block Group 3: Block 301C, Block 301D, Block 302B, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 316, Block 317A, Block 317B, Block 368A, Block 368B, Block 369, Block 370, Block 371; Tract 0618.01: Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 205, Block 206A, Block 206B, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 235A, Block 235B, Block 237A, Block 237B; Tract 0618.02: Block Group 1: Block 101A, Block 135; Welcome *, Midway *, Reeds *, Tyro *, Reedy Creek *, Silver Hill *, Thomasville No. 4*: Tract 0609: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308A, Block 310, Block 313A, Block 315A, Block 316, Block 317A, Block 317B, Block 318, Block 319, Block 320, Block 321, Block 322A, Block 322B, Block 324A, Block 324B, Block 324C, Block 325, Block 326A, Block 327, Block 328A; Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 518, Block 519, Block 520, Block 521, Block 522; Block Group 9: Block 901A, Block 903A, Block 911A, Block 911B; Tract 0611: Block Group 1: Block 101, Block 102, Block 103A; Thomasville No. 5 *, Thomasville No. 7 *: Tract 0605: Block Group 1: Block 107, Block 108, Block 109, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 119, Block 126, Block 127; Block Group 9: Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 915, Block 917; Thomasville No. 8 *: Tract 0605: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111; Block Group 9: Block 901, Block 902, Block 909, Block 910, Block 911, Block 912; Tract 0606: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112B, Block 113B, Block 114, Block 115, Block 116, Block 117, Block 118B, Block 119B, Block 120B, Block 121B, Block 122B, Block 123, Block 124; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 403, Block 404, Block 405A, Block 405B, Block 405C, Block 405D, Block 405E, Block 406A, Block 406B, Block 407, Block 413, Block 414; Block Group 9: Block 901, Block 902, Block 905, Block 906B, Block 907, Block 908, Block 909, Block 910, Block 930B, Block 934, Block 935B, Block 956, Block 959B; Tract 0607: Block Group 1: Block 101B, Block 102B; Block Group 3: Block 324B, Block 325, Block 326B; Tract 0608: Block Group 1: Block 101, Block 102B, Block 104B; Thomasville No. 9 *, Thomasville No. 10 *, Yadkin College *; Davie County: Fulton township, Jerusalem township, Mocksville township, Shady Grove township; Guilford County: GB-10 *, GB-11 *, GB-12 *, GB-13 *, GB-14 *, GB-15 *: Tract 0116.01: Block Group 1: Block 105, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201; Block Group 4: Block 410, Block 411, Block 412, Block 415, Block 417; GB-16 *, GB-17 *, GB-18 *, GB-20 *, GB-21 *, GB-22 *, GB-27A *, GB-28 *, GB-31 *, GB-32 *, GB-34A *, GB-35A *, GB-37A *, GB-38 *, GB-39 *, GB-40A *, GB-41A *, GB-43 *, HP-01 *, HP-02 *, HP-04 *, HP-08 *, HP-09 *, HP-10 *, HP-13 *, HP-14 *, HP-16 *, HP-18 *, HP-19 *, HP-20 *, HP-21 *, HP-23 *, HP-24 *, Bruce *, North Center Grove *, South Center Grove *, Clay *, Deep River *, Fentress-1 *, Fentress-2 *, Friendship-1 *, Friendship-2 *, Whitsett *, Greene *, Jamestown-1 *: Tract 0164.01: Block Group 2: Block 221Y, Block 221Z, Block 223A; Tract 0164.02: Block Group 4: Block 401W, Block 401Z, Block 402, Block 403C, Block 403D, Block 403E, Block 403F, Block 403G, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412, Block 424, Block 425, Block 426, Block 434, Block 435, Block 443X, Block 443Y, Block 443Z, Block 444, Block 445, Block 446, Block 447Y, Block 447Z; Block Group 9: Block 901A; Tract 0165.02: Block Group 3: Block 315X, Block 315Y, Block 315Z, Block 317; Jamestown-2 *: Tract 0164.01: Block Group 2: Block 201F, Block 201G, Block 211B, Block 212B, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221C, Block 221D, Block 222, Block 223B; Tract 0164.02: Block Group 4: Block 401C; Tract 0165.01: Block Group 2: Block 201D, Block 201E, Block 202, Block 211B, Block 211C; Tract 0165.02: Block Group 1: Block 103D, Block 103E, Block 104, Block 108B, Block 109C, Block 110B, Block 111B, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 211, Block 224; Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 315B, Block 316, Block 318, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 407A, Block 415A, Block 415B, Block 418A; Tract 0166: Block Group 9: Block 904, Block 905, Block 906, Block 907, Block 930A, Block 952, Block 953; Tract 0167: Block Group 1: Block 105A, Block 106A, Block 106B, Block 110A, Block 111A, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 119A, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 5: Block 501A, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 507A, Block 508A, Block 510A, Block 511; Jamestown-3 *, North Jefferson *: Tract 0127.07: Block Group 2: Block 201C, Block 201D; Tract 0128.03: Block Group 2: Block 208, Block 209, Block 210, Block 211, Block 212, Block 215, Block 216, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 225, Block 226, Block 227B, Block 232, Block 233, Block 234C; Tract 0153: Block Group 1: Block 101A, Block 102A, Block 103, Block 104A, Block 105A, Block 106A, Block 112A, Block 113, Block 114A, Block 133, Block 134; Block Group 2, Block Group 3: Block 302A, Block 304, Block 305, Block 306, Block 307, Block 308, Block

313, Block 314, Block 315, Block 316; Tract 0154: Block Group 5: Block 511A, Block 520A, Block 521, Block 522A, Block 523, Block 524A, Block 525A, Block 526A, Block 527, Block 528A; Block Group 6: Block 601, Block 602A, Block 603, Block 604, Block 605B, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611; South Jefferson *, South Madison *, North Monroe *, South Monroe *, Oak Ridge *, Stokesdale *: Tract 0159: Block Group 2: Block 201A, Block 201B, Block 202, Block 232A; Block Group 3: Block 303A, Block 307A, Block 308A, Block 309A, Block 310, Block 311, Block 312, Block 313, Block 316, Block 321A, Block 322A; South Sumner *, North Washington *, South Washington *: Tract 0151: Block Group 1: Block 149; Tract 0152: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415B, Block 416B; Tract 0153: Block Group 1: Block 101B, Block 102C, Block 104C; Tract 0154: Block Group 4: Block 401C, Block 404B; Block Group 5: Block 501, Block 502, Block 506B; GB-27B *, GB-34B *, GB-35B *, GB-37B *, GB-40B *, GB-41B *, GB-24C *, GB-27C *; Randolph County, Rowan County: Franklin *: Tract 0505: Block Group 2: Block 201B, Block 202B, Block 202C; Block Group 3: Block 301B; Tract 0513.01: Block Group 2: Block 201, Block 202, Block 203, Block 204B, Block 205C, Block 205D, Block 206B, Block 207; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309C, Block 310, Block 311, Block 313, Block 314; Tract 0513.02: Block Group 1: Block 101, Block 102, Block 103B, Block 103C, Block 104B, Block 105B, Block 106, Block 107, Block 108B, Block 114B, Block 119B; Block Group 2, Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 319, Block 320; Tract 0519: Block Group 2: Block 224A; Block Group 3: Block 301A; Barnhardt Mill *, Rockwell *, Bostian Crossroads *, Faith, Sumner *: Tract 0502: Block Group 4: Block 411A, Block 411D, Block 411E, Block 416B, Block 417; Tract 0511: Block Group 1: Block 101, Block 102; Block Group 2: Block 202, Block 203, Block 204, Block 206, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214A, Block 214B, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225; Tract 0512.01: Block Group 1: Block 102C, Block 102D, Block 108C, Block 122B, Block 123B, Block 123C; Block Group 2: Block 205, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 312A, Block 312B, Block 312C, Block 312D, Block 313, Block 314, Block 318, Block 319; Block Group 4: Block 401, Block 402A, Block 402B, Block 403, Block 411, Block 412A, Block 412B, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Tract 0517: Block Group 1: Block 102B, 103B; Morgan I *, Morgan II *, Gold Knob *, Granite Quarry *, Hatters Shop *, West Innes *: Tract 0505: Block Group 2: Block 202A; Block Group 3: Block 301A, Block 301C, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 312, Block 313, Block 314; Tract 0513.02: Block Group 1: Block 103A, Block 104A, Block 105A, Block 108A, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114A, Block 115, Block 116, Block 117, Block 118, Block 119A, Block 120, Block 121, Block 122, Block 123; Block Group 3: Block 321B; North

Ward II *: Tract 0505: Block Group 1: Block 101A, Block 102, Block 103, Block 105, Block 106, Block 108, Block 109, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 123, Block 124, Block 126, Block 128, Block 129, Block 130, Block 131, Block 132; Block Group 2: Block 201A, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Tract 0506: Block Group 1: Block 134, Block 135.

District 7: Bladen County: Abbotts township: Tract 9505: Block Group 2: Block 213A, Block 214A, Block 224A, Block 226A, Block 227A, Block 229; Block Group 4: Block 418B, Block 419B, Block 451A; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 508A, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526A, Block 527A, Block 527B, Block 534A, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552A, Block 554, Block 555, Block 556, Block 557, Block 558, Block 559, Block 560, Block 561, Block 562, Block 563, Block 564, Block 565, Block 566; Bethel township, Bladenboro township, Colly township, Cypress Creek township, Hollow township; Brunswick County: Brunswick County; Columbus County: Bogue township, Bug Hill township, Cerro Gordo township, Chadbourn township: Tract 9906: Block Group 4: Block 401A, Block 403B, Block 404B; Tract 9907: Block Group 1: Block 101A, Block 116, Block 117A, Block 118, Block 124A; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 203A, Block 203B, Block 204A, Block 204B, Block 205A, Block 205B, Block 206, Block 207, Block 208A, Block 208B, Block 209A, Block 209B, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 231, Block 240; Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435; Block Group 5: Block 521B, Block 522, Block 523, Block 524, Block 525B, Block 526, Block 527, Block 528, Block 529, Block 530B, Block 531B, Block 532; Tract 9909: Block Group 6: Block 609, Block 610, Block 611, Block 618A, Block 620A, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626A, Block 627A, Block 628, Block 629; Tract 9910: Block Group 2: Block 210A, Block 210B, Block 211A, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220A, Block 228, Block 229; Block Group 3: Block 302A, Block 303, Block 304, Block 305, Block 306, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339; Tract 9911: Block Group 1: Block 101, Block 102A; Fair Bluff township, Lees township, South Williams township, Tatums township, Waccamaw township, Whiteville township: Tract 9905: Block Group 4: Block 401, Block 402, Block 403, Block 404B; Tract 9907: Block Group 1: Block 101C, Block 102, Block 117B, Block 124B, Block 125, Block 126; Tract 9908: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 119, Block 120B, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 208A, Block 208B, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Block Group 3: Block 301, Block 304, Block 305, Block 306; Block Group 4: Block 405, Block 406; Tract 9909: Block Group 1: Block 104, Block 105, Block 106, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2, Block Group 3: Block 307, Block 308, Block 343, Block 344, Block 345; Block Group 4: Block 423A, Block 424, Block 425, Block 426, Block 430; Block Group 5: Block 523, Block 524; Block Group 6: Block 617, Block 618B, Block 626B, Block 626C, Block 627B; Tract 9910: Block Group 1: Block 126C, Block 132C; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210C, Block 211B, Block 220B, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301B, Block 302B, Block 309B; Williams township; Cumberland County: Beaver Dam*: Tract 0029: Block Group 1: Block 108A, Block 109A, Block 110, Block 111A, Block 112A, Block 112B, Block 115A, Block 117A, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Black River *, Linden *, Long Hill *, Westarea *, Judson *, Stedman *, Cross Creek #4 *, Cross Creek #6 *, Cross Creek #7 *, Cross Creek #8 *, Cross Creek #9 *: Tract 0012: Block Group 2: Block 201, Block 202, Block 227, Block 229, Block 230, Block 231, Block 232; Tract 0025.01: Block Group 9: Block 901A, Block 901B, Block 902A, Block 906A, Block 908A, Block 909A, Block 910, Block 912A, Block 913A, Block 914, Block 915, Block 917, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 932, Block 934C, Block 934D, Block 934H, Block 934J, Block 935, Block 936; Cross Creek #11 *, Cross Creek #12 *, Cross Creek #14 *, Cross Creek #15 *: Tract 0006: Block Group 1: Block 101, Block 102, Block 103, Block 134, Block 135, Block 136, Block 143; Block Group 2, Block Group 3: Block 303, Block 305, Block 306, Block 309; Block Group 4: Block 410, Block 411, Block 412; Tract 0018: Block Group 1: Block 101, Block 102, Block 107, Block 111, Block 123, Block 124A, Block 129, Block 130, Block 131; Block Group 2: Block 203A, Block 204A, Block 205A; Tract 0019.02: Block Group 1: Block 101A; Tract 0020: Block Group 6: Block 619A; Cross Creek #17 *: Tract 0023: Block Group 2: Block 201, Block 208, Block 209, Block 210, Block 215, Block 216B, Block 217, Block 218, Block 219, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 240, Block 251; Block Group 9: Block 901B, Block 903B, Block 906, Block 907B, Block 907C, Block 907D, Block 907E, Block 910; Tract 0024: Block Group 1: Block 103A; Block Group 3: Block 304A, Block 307A, Block 308A; Cross Creek #18 *, Cross Creek #20 *, Cross Creek #21, Cross Creek #22 *, Cross Creek #23 *, Cross Creek #24 *, Cross Creek #2 *, Eastover *, Vander *, Wade *, Alderman *, Spring Lake *: Tract 0035: Block Group 1: Block 110A, Block 119, Block 123; Pearces Mill #2 *, Pearces Mill #4 *, Cumberland #1 *, Cumberland #2 *, Hope Mills #1 *, Hope Mills #2 *, Beaver Lake *, Montclair *, Seventy First #2 *, Seventy First #3 *, New Hanover County: Cape Fear #1 *: Tract 0115: Block Group 1: Block 144, Block 148; Block Group 2: Block 202, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3, Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Cape Fear #2 *, Cape Fear #3 *, Federal Point #1 *, Federal Point #2 *, Federal Point #3 *, Wrightsville Beach *, Harnett #2 *, Harnett #3 *, Harnett #4 *, Harnett #5 *, Harnett #6 *, Harnett #7 *, Masonboro #2 *, Masonboro #3 *, Masonboro #4 *, Masonboro #5 *, Wilmington #4 *, Wilmington #5 *, Wilmington #8 *: Tract 0107: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 115, Block 127, Block 131, Block 133, Block 134; Tract 0110: Block Group 1: Block 101, Block 103, Block 107, Block 110, Block 115, Block 116, Block 118, Block 123, Block 125, Block 126, Block 127; Block Group 2: Block 203, Block 205, Block 206, Block 212, Block 214, Block 215, Block 219, Block 220, Block 222, Block 224, Block 225, Block 226; Wilmington #9 *: Tract 0102: Block Group 1: Block 102, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 126; Tract 0103: Block Group 3, Block Group 4, Block Group 5: Block 508, Block 509; Wilmington #11 *, Wilmington #12 *, Wilmington #13 *, Wilmington #14 *, Wilmington #16 *, Wilmington #17 *, Wilmington #18 *; Onslow County: Cross Roads *, Half Moon *: Tract 0012: Block Group 1: Block 130, Block 131; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 307B; Block Group 4; Tar Landing *, Brynn Marr *, Folkstone *, Verona *, Bear Creek *, Hubert *, Camp Lejeune Military Base 1, Camp Lejeune Military Base 2, Camp Lejeune Military Base 3, Camp Lejeune Military Base 4, Camp Lejeune Military Base 5, Camp Lejeune Military Base 6, Camp Lejeune Military Base 7, Camp Lejeune Military Base 8, Camp Lejeune Military Base 9, Camp Lejeune Military Base 10, Camp Lejeune Military Base 11, Camp Lejeune Military Base 12, Camp Lejeune Military base 13, Camp Lejeune Military Base 14; Pender County: Lower Topsail *, Scott's Hill *, Surf City *; Robeson County: Alfordsville *, Back Swamp *, Britts *, Burnt Swamp *, Fairmont #1 *, Fairmont #2 *, Gaddys *, East Howellsville *, West Howellsville *, Lumberton #1 *, Lumberton #2 *, Lumberton #3 *, Lumberton #4 *, Lumberton #5 *, Lumberton #6 *, Lumberton #7 *, Lumberton #8 *, Orrum *, North Pembroke *, South Pembroke *, Philadelphus *, Raft Swamp *, Rowland *, Saddletree *, Smiths *, Smyrna *, Sterlings *, Thompson *, Union *, Whitehouse *, Wishart *.

District 8: Anson County, Cabarrus County, Cumberland County: Manchester *, Spring Lake *: Tract 0034.85: Block Group 1: Block 101, Block 103A; Tract 0035: Block Group 1: Block 101A, Block

102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 120, Block 121, Block 122, Block 124, Block 125, Block 126; Block Group 2: Block 201A, Block 202A, Block 203B, Block 204, Block 205A, Block 206A, Block 207, Block 208A, Block 208C, Block 208W, Block 208X, Block 208Y, Block 208Z, Block 209Y, Block 209Z, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3, Block Group 4, Block Group 5; Tract 0036.85: Block Group 2: Block 203B; Block Group 3: Block 324A, Block 326A; Block Group 4: Block 401C, Block 403A, Block 404A, Block 404B, Block 404C, Block 405, Block 406, Block 407A, Block 407B, Block 407C, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416A, Block 416B, Block 417; Block Group 5, Block Group 6: Block 606A, Block 608A, Block 608B, Block 609A: Brentwood *, Cottonade *, Morganton Road #1 *, Morganton Road #2 *, Seventy First #1 *; Hoke County, Iredell County: Barringer *: Tract 0613: Block Group 2: Block 216, Block 217A, Block 218, Block 225, Block 226, Block 227; Block Group 4: Block 402A, Block 404A, Block 406A, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Block Group 5: Block 501, Block 502, Block 503, Block 504A, Block 505, Block 506D, Block 507, Block 508A, Block 509, Block 510, Block 514A, Block 517, Block 518, Block 519A, Block 524A, Block 525, Block 526A, Block 527A; Chambersburg *: Tract 0607: Block Group 6: Block 610, Block 611, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624; Tract 0613: Block Group 2: Block 201B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309B, Block 314B, Block 315B, Block 316B, Block 318, Block 319, Block 320, Block 321, Block 324, Block 325, Block 326; Block Group 4: Block 401, Block 402B, Block 403, Block 404B, Block 405, Block 406B; Coddle Creek #1 *, Coddle Creek #3 *, Mecklenburg County: COR *: Tract 0064: Block Group 2: Block 217F, Block 217H; Block Group 4: Block 401C; CO2 *: Tract 0056.01: Block Group 3: Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 424, Block 425, Block 426; Tract 0056.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 110, Block 111, Block 113, Block 114; DAV *: Tract 0064: Block Group 2: Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217G, Block 217K, Block 217M, Block 218, Block 219, Block 220, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 231A, Block 232A, Block 233B; Block Group 3: Block 301, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 316, Block 317; Block Group 4: Block 401B, Block 401E, Block 401G; Block Group 6: Block 603B; Montgomery County; Moore County: Township 1, Carthage, Township 2, Bensalem, Township 3, Sheffields, Township 4, Ritters: Tract 9501: Block Group 1: Block 109A, Block 109B, Block 110A, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126B, Block 126C, Block 130B, Block 130C, Block 131B, Block 131C, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142A, Block 143, Block 144, Block 145A, Block 145B, Block 145C, Block 145D, Block 145E, Block 145F, Block 146A, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179A; Block Group 2: Block 229, Block 230B, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 243, Block 244, Block 250B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329B, Block 330, Block 331C, Block 333B, Block 334B, Block 335B, Block 340C, Block 341C, Block 342B, Block 346, Block 347, Block 348; Tract 9502: Block Group 1: Block 134B, Block 134C, Block 149B, Block 149C; Block Group 4: Block 401B, Block 401C, Block 402B, Block 402C, Block 403B, Block 403C, Block 414E, Block 415C, Block 415F, Block 415G, Block 416, Block 417D, Block 417E, Block 417G, Block 417H, Block 418, Block 419, Block 420C, Block 420D; Block Group 5: Block 501, Block 502B, Block 502C, Block 502E, Block 502F, Block 533C, Block 533D, Block 534C, Block 534D, Block 535B, Block 536B, Block 537B, Block 541C, Block 541D; Richmond County, Robeson County: Lumber Bridge *, Maxton *, Parkton *, Red Springs #1 *, Red Springs #2 *, Rennert *, Shannon *, North St. Pauls *, South St. Pauls *; Rowan County: Bradshaw *, Enochville *, Blackwelder Park *, Bostian School *, N. China Grove *, S. China Grove *, East Kannapolis *, West Kannapolis *, East Landis *, West Landis *, Cleveland *, Faith Noncontiguous, Locke *, Sumner *: Tract 0502: Block Group 4: Block 402A, Block 402C, Block 403B, Block 409B, Block 410B, Block 410C, Block 411B, Block 411C, Block 411F, Block 412A, Block 412C, Block 413B, Block 413C, Block 415A, Block 415B, Block 416C; Tract 0511: Block Group 2: Block 201C, Block 205; Tract 0512.01: Block Group 2: Block 206; Mt. Ulla *, East Ward I *, West Ward I *, West Ward II *, Steele *, Tract 0519: Block Group 3: Block 334B, Block 335: Scotland County, Stanly County; Union County.

District 9: Cleveland County: Boiling Springs *, Pearl *, East Kings Mountain *, West Kings Mountain *, Grover *, Bethware *, Waco *, Shanghai *, Falston *, Mulls *, Casar *; Gaston County: Cherryville #1 *, Cherryville #2 *, Cherryville #3 *, Landers Chapel *, Tryon *, Bessemer City #1 *, Bessemer City #2 *: Tract 0316: Block Group 2, Block Group 3, Block Group 4: Block 401A, Block 401B, Block 402, Block 403A, Block 403B, Block 403C, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411A, Block 411B, Block 412, Block 413, Block 414B, Block 417A, Block 417C; Tract 0317.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block

202; Block Group 3: Block 301, Block 302; Tract 0318: Block Group 1: Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Tract 0331: Block Group 1: Block 103D, Block 105A; Crowders Mtn. *, Alexis *, Dallas #1 *, Dallas #2 *, High Shoals *, Armstrong *, Ashbrook *, Firestone *: Tract 0329: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 207; Block Group 3: Block 306, Block 307, Block 317; Block Group 4: Block 404, Block 405, Block 406; Tract 0330: Block Group 1: Block 118, Block 119, Block 120, Block 126, Block 127, Block 128, Block 129, Block 131, Block 133, Block 134, Block 135, Block 136, Block 137, Block 157, Block 158, Block 159, Block 160, Block 161; Flint Groves *: Tract 0313.02: Block Group 2: Block 205A, Block 217A, Block 219; Tract 0314: Block Group 2, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419; Block Group 5: Block 501A, Block 501B, Block 502, Block 503A, Block 503B, Block 504, Block 505A, Block 505B, Block 506A, Block 506B, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512A, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521A, Block 522A; Block Group 6; Tract 0321: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 320, Block 325, Block 326, Block 327; Forest Heights *, Gardner Park *, Gaston Day *, Grier *, Health Center *: Tract 0308: Block Group 7: Block 701, Block 705A, Block 705B, Block 713, Block 714, Block 715, Block 716, Block 717; Tract 0315: Block Group 1: Block 103A, Block 103B, Block 104, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115B, Block 116A, Block 116B, Block 117, Block 118, Block 119A, Block 119B, Block 120, Block 122, Block 123, Block 124, Block 125A, Block 125B, Block 126A, Block 126B, Block 127, Block 128A, Block 128B, Block 129A, Block 129B, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136; Block Group 3, Block Group 4, Block Group 5, Block Group 6: Block 602, Block 603, Block 604, Block 605, Block 610, Block 614; Memorial Hall *, Myrtle *: Tract 0316: Block Group 4: Block 414A, Block 414C, Block 415, Block 416, Block 417B, Block 417D, Block 418, Block 419; Tract 0318: Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 523, Block 524, Block 525; Ranlo *: Tract 0303: Block Group 5: Block 502B, Block 505D; Tract 0310.01: Block Group 1: Block 101A, Block 102A, Block 103; Tract 0313.01: Block Group 1, Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204A, Block 204B, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208A, Block 208B, Block 209B, Block 209C, Block 210, Block 211B, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Tract 0313.02: Block Group 1: Block 104B, Block 105A, Block 105B, Block 106B, Block 107B, Block 110B; Block Group 2: Block 201B, Block 202, Block 203, Block 204, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210, Block

211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217B, Block 217C, Block 220B; Tract 0314: Block Group 5: Block 512B, Block 521B, Block 522B; Robinson *, Sherwood *, South Gastonia *, Woodhill *: Tract 0314: Block Group 1: Block 101, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Tract 0320: Block Group 1: Block 120; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354; Victory *, Lucia *, Mt. Holly #1 *, Mt. Holly #2 *, Stanley #1 *, Stanley #2 *, Belmont #1 *, Belmont #2 *: Tract 0323.01: Block Group 1: Block 102, Block 103, Block 104, Block 106, Block 107A, Block 113, Block 114A, Block 114B, Block 114C, Block 114D, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120C, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128A, Block 128B, Block 129, Block 130A, Block 130B, Block 130C, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136; Block Group 2: Block 201A, Block 201D, Block 202B, Block 208, Block 209, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3; Tract 0323.02: Block Group 1: Block 101B, Block 102, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 110C, Block 111A, Block 111B, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116A, Block 116B, Block 116C, Block 116D, Block 117A, Block 117B, Block 118, Block 119A, Block 119B, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2, Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 316A, Block 316B, Block 317A, Block 317B, Block 318A, Block 318B, Block 318C; Belmont #3 *: Tract 0310.01: Block Group 3: Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 312A, Block 312B, Block 312C, Block 312D, Block 313A, Block 313B; Tract 0310.02: Block Group 3: Block 313B, Block 314, Block 315; Block Group 4; Tract 0312: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102A, Block 102B, Block 102C, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 112A, Block 112B, Block 112C, Block 113, Block 114, Block 115, Block 116A, Block 116B, Block 117, Block 118, Block 119A, Block 119B, Block 120, Block 121; Block Group 2: Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 303; Catawba Heights *, Cramerton *, Lowell *: Tract 0313.01: Block Group 2: Block 209A, Block 211A; Tract 0313.02: Block Group 1: Block 101A, Block 103, Block 104A, Block 106A, Block 107A, Block 108, Block 109, Block 110A, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121A, Block 122, Block 123, Block 124, Block 125A, Block 128A, Block 129A; Block Group 2: Block 201A, Block 220A, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301A, Block 301B, Block 302A, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330A, Block 331A, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412A, Block 415C, Block 416, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426; Tract 0322: Block Group 1: Block 105A, Block 107A, Block 112, Block 115, Block 116A; Block Group 2: Block 209B, Block 213, Block 214, Block 215A, Block 216A, Block 217B, Block 221B, Block 223; McAdenville *: Tract 0310.01: Block Group 1: Block 101C, Block 105B, Block 106B, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 311; Tract 0313.02: Block Group 1: Block 101B, Block 102, Block 121B, Block 125B, Block 126, Block 127, Block 128B, Block 129B, Block 130, Block 131A, Block 131B, Block 132A, Block 132B; Block Group 3: Block 301C, Block 302B, Block 330B; Tract 0322: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104B, Block 105B, Block 105C, Block 106, Block 107B, Block 110, Block 111, Block 113, Block 114, Block 116B, Block 116C, Block 117, Block 118, Block 119A, Block 119B, Block 120, Block 121B, Block 122; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209C, Block 210, Block 218, Block 225, Block 226; Tract 0323.01: Block Group 1: Block 108A, Block 111, Block 112A, Block 120B, Block 121A; Tract 0325.01: Block Group 5: Block 501; New Hope *, Southpoint *, Union *; Mecklenburg County: Charlotte Pct. 1 *, Charlotte Pct. 4, Charlotte Pct. 5 *, Charlotte Pct. 6 *, Charlotte Pct. 7 *, Charlotte Pct. 8 *, Charlotte Pct. 9 *: Tract 0003: Block Group 1: Block 103, Block 104, Block 105, Block 107, Block 109, Block 110; Tract 0004: Block Group 5: Block 514; Tract 0027: Block Group 3: Block 304; Tract 0035: Block Group 1: Block 101, Block 102, Block 103, Block 107, Block 108, Block 109; Block Group 2, Block Group 3: Block 301, Block 302, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414; Charlotte Pct. 10 *, Charlotte Pct. 15 *: Tract 0010: Block Group 1: Block 101, Block 103, Block 105, Block 107, Block 108, Block 109, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 206, Block 207, Block 208, Block 214, Block 218; Block Group 3: Block 307, Block 308, Block 309, Block 313, Block 314, Block 315, Block 317; Tract 0011: Block Group 1: Block 103, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 114, Block 117, Block 120; Block Group 4: Block 408; Tract 0012: Block Group 3: Block 305, Block 306, Block 308Y, Block 308Z; Charlotte Pct. 18 *, Charlotte Pct. 19 *, Charlotte Pct. 20 *, Charlotte Pct. 21 *, Charlotte Pct. 29 *, Charlotte Pct. 32 *, Charlotte Pct. 33 *, Charlotte Pct. 34 *, Charlotte Pct. 35 *, Charlotte Pct. 36 *, Charlotte Pct. 37 *, Charlotte Pct. 38 *, Charlotte Pct. 44 *, Charlotte Pct. 45 *, Charlotte Pct. 47 *, Charlotte Pct. 48 *, Charlotte Pct. 49 *, Charlotte Pct. 50 *, Charlotte Pct. 51 *, Charlotte Pct. 57 *, Charlotte Pct. 58 *, Charlotte Pct. 59 *, Charlotte Pct. 61 *, Charlotte Pct. 62 *, Charlotte Pct. 63 *, Charlotte Pct. 64 *, Charlotte Pct. 65 *, Charlotte Pct. 66 *, Charlotte Pct. 67 *, Charlotte Pct. 68 *, Charlotte Pct. 69 *, Charlotte Pct. 70 *, Charlotte Pct. 71 *, Charlotte Pct. 72 *, Charlotte Pct. 73 *, Charlotte Pct. 74 *, Charlotte Pct. 75 *, Charlotte Pct. 76 *, Charlotte Pct. 77 *: Tract 0058.06: Block Group 1: Block 113; Tract 0059.03: Block Group 3: Block 340A, Block 340B, Block 341A, Block 341B, Block 342, Block 344A, Block 344B, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 361; Charlotte Pct. 79 *, Charlotte Pct. 80 *, Charlotte Pct. 81 *, Charlotte Pct. 83 *, Charlotte Pct. 84 *, Charlotte Pct. 85 *, Charlotte Pct. 86 *, Charlotte Pct. 87 *, Charlotte Pct. 88 *, Charlotte Pct. 89 *, Charlotte Pct. 90 *, Charlotte Pct. 91, Charlotte Pct. 92 *, Charlotte Pct. 93 *, Charlotte Pct. 94 *, Charlotte Pct. 95 *, Charlotte Pct. 96 *, Charlotte Pct. 97 *: Tract 0031.04: Block Group 2: Block 204, Block 205, Block 216, Block 217, Block 218, Block 219; BER *: Tract 0059.01: Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332A, Block 332B, Block 333, Block 334, Block 335, Block 336A, Block 336B, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342; Block Group 4; CCK *, COR *: Tract 0063: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108B, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 208, Block 209, Block 212; Tract 0064: Block Group 2: Block 217A, Block 217B, Block 217C, Block 217D, Block 217E, Block 217J, Block 217L, Block 228, Block 229A, Block 229B, Block 229C, Block 230, Block 231B, Block 232B, Block 233A, Block 233C, Block 234, Block 235; Block Group 3: Block 311, Block 312, Block 313, Block 314, Block 315, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324; Block Group 4: Block 401A, Block 401D, Block 401F, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501D, Block 504A, Block 504B, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513A, Block 513B, Block 514A, Block 514B, Block 514C, Block 514D, Block 515A, Block 515B, Block 516A, Block 516B, Block 517, Block 518A, Block 518B, Block 519, Block 520A, Block 520B, Block 520C, Block 521B, Block 524A; Block Group 6: Block 603A, Block 606, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622; CO1 *, CO2 *: Tract 0015.01: Block Group 1: Block 110B; Block Group 2: Block 201; Tract 0056.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block

Group 2: Block 201, Block 202; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333; Block Group 4: Block 405, Block 406, Block 419, Block 420, Block 421, Block 422B, Block 423; Tract 0056.02: Block Group 1: Block 105, Block 106; HUN *: Tract 0063: Block Group 1: Block 108A, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 117, Block 118, Block 119; Block Group 2: Block 206, Block 207, Block 210, Block 211, Block 213, Block 214A, Block 214B, Block 214C, Block 215A, Block 215B, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305B, Block 308, Block 309, Block 310, Block 311, Block 315A, Block 315C, Block 316, Block 317, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 404A, Block 404B, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414A, Block 414B, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446; Tract 0064: Block Group 5: Block 521A; LEM *, LC1 - North, LC2: Tract 0061: Block Group 1: Block 108B; Block Group 5, Block Group 9; LC1 - South: Tract 0061: Block Group 4: Block 409, Block 410, Block 411, Block 420, Block 421, Block 422, Block 432, Block 471; MC1, MC2: Tract 0051.01: Block Group 1: Block 101; Tract 0054.01: Block Group 3: Block 308, Block 309, Block 310, Block 311, Block 312, Block 316, Block 318, Block 320, Block 325, Block 326; Tract 0054.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102A, Block 102B, Block 102C, Block 102D, Block 102E, Block 103, Block 104, Block 105, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 114C, Block 114D, Block 114E, Block 114F, Block 114G, Block 115, Block 116, Block 117, Block 123, Block 129A, Block 129D, Block 129F, Block 134, Block 135, Block 136; Tract 0055.01: Block Group 1: Block 101, Block 102, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145A, Block 145B, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153; Block Group 2: Block 213, Block 214, Block 216, Block 217B, Block 218, Block 219; Block Group 3: Block 301, Block 312B; Tract 0061: Block Group 1: Block 101, Block 102, Block 103, Block 130, Block 131B, Block 132B; Block Group 4: Block 401, Block 402, Block 413, Block 414, Block 415, Block 416, Block 417, Block 478, Block 479, Block 480, Block 481; MA1 *, MA2 *, MA3 *, MA4 *, Charlotte Pct. 102, MH1 *, MH2 *, MH3 *, OAK, PC1 *, PC2 *, PVL *, PR1, PR2, PR3, Charlotte Pct. 93 Part, SC1, SC2, Charlotte Pct. 100 *, Charlotte Pct. 105.

District 10: Alexander County; Avery County; Buncombe County: Broad River *, Fairview *, Limestone #2 *; Burke County: Drexel #3 *, Icard #1 *, Icard #2 *, Icard #3 *, Icard #4 *, Icard #5 *, Jonas Ridge *, Linville #1 *, Lovelady #1 *, Lovelady #2 *, Lovelady #3 *, Lovelady #4 *, Lower Fork *, Silver Creek #2 *, Upper Creek *, Upper Fork *; Caldwell County: Globe *, Hudson #1 *, Hudson #2 *, Johns River *, Gamewell #1 *, Gamewell #2 *, Little River *, Lovelady-Rhodhiss *, Lovelady #2 *, Sawmills *, Lower Creek #2 *, Lower Creek #3 *, Mulberry *, North Catawba *, Patterson *, Wilson Creek *; Catawba County, Davie County: Calahaln township, Clarksville township, Farmington township; Forsyth County: Bethania #2 *, Clemmonsville #1 *, Clemmonsville #2 *, Clemmonsville #3 *, Lewisville #1 *, Lewisville #2 *, Lewisville #3 *, Old Richmond *, Old Town #3 *, South Fork #2 *, South Fork #3 *, Vienna #1 *, Vienna #2 *, Vienna #3 *, Calvary Baptist Church *, Jefferson Elementary School *, Messiah Moravian Church *, Sherwood Forest Elementary School *; Henderson County: Fletcher *, Hoopers Creek *, Park Ridge *; Iredell County: Bethany *, Chambersburg *: Tract 0606: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 122, Block 145, Block 146, Block 147, Block 148; Block Group 2, Block Group 3: Block 301A, Block 302, Block 303A; Tract 0607: Block Group 2: Block 223E, Block 224A, Block 225A, Block 226A; Block Group 3: Block 327A, Block 330A; Block Group 4: Block 422A, Block 423A, Block 425A, Block 426, Block 429A, Block 430A, Block 431A, Block 434A, Block 436, Block 437; Block Group 5; Coddle Creek #4 *: Tract 0614: Block Group 8: Block 823, Block 824, Block 825, Block 826, Block 827A, Block 829, Block 830, Block 831, Block 832, Block 833A, Block 836A, Block 837A, Block 838, Block 840, Block 841, Block 842; Tract 0616: Block Group 3: Block 312, Block 313, Block 314; Block Group 4: Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404A, Block 404B, Block 404C, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426A, Block 426B; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 503A, Block 503B, Block 504, Block 505, Block 506A, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607A, Block 607B, Block 607C, Block 607D, Block 607E, Block 608, Block 609A, Block 609C, Block 609D, Block 610A, Block 611A, Block 611B, Block 612A, Block 612B, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628A; Concord *, Davidson *, Eagle Mills *, Fallstown *, New Hope *, Olin *, Sharpesburg *, Shiloh *, Statesville #1 *, Tract 0610: Block Group 4: Block 401A, Block 402A, Block 429A, Block 430, Block 431, Block 432, Block 433A, Block 434; Statesville #2 *, Statesville #4 *, Statesville #5 *: Tract 0603: Block Group 1: Block 105; Tract 0604: Block Group 1: Block

101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 121, Block 122, Block 126, Block 127, Block 128, Block 132, Block 133, Block 134; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 207, Block 208, Block 209, Block 210, Block 216, Block 217, Block 218, Block 219, Block 220, Block 222, Block 223, Block 225; Block Group 3: Block 304, Block 305, Block 306A, Block 307A, Block 309A, Block 317A; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409A, Block 409B, Block 410A, Block 410B, Block 411, Block 412A, Block 412B, Block 413A, Block 413B, Block 414A, Block 414C, Block 414D, Block 414E, Block 415B, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426B, Block 427B, Block 429B, Block 430B, Block 431A, Block 431B, Block 432, Block 433, Block 434, Block 435, Block 436A, Block 436B; Tract 0605: Block Group 2: Block 201, Block 202B, Block 203, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 325, Block 326; Tract 0610: Block Group 4: Block 409A, Block 435B, Block 437A, Block 443, Block 444, Block 445, Block 446; Tract 0611: Block Group 3: Block 321A, Block 322B, Block 323A, Block 323D, Block 324, Block 325, Block 326A, Block 326C; Turnersburg *, Union Grove*; Lincoln County, McDowell County: Brackett township, Crooked Creek township, Glenwood township, Higgins township, Montford Cove township; Mitchell County, Polk County: Cooper Gap township; Rutherford County: Camp Creek township: Tract 9601: Block Group 1: Block 102A, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 138, Block 139, Block 141, Block 142, Block 144; Tract 9602: Block Group 1: Block 101A, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 150A, Block 151, Block 180, Block 186, Block 191; Chimney Rock township, Tract 9602: Block Group 1: Block 107A, Block 108, Block 193, Block 194, Block 195, Block 196, Block 197; Golden Valley township, Green Hill township, Logan Store township, Morgan township, Wilkes County: Antioch *, Brushy Mountain *, Edwards No. 1 *, Edwards No. 2 *, Edwards No. 3 *, Elk No. 1 *, Jobs Cabin *, Lewis Fork *, Lovelace *, Mulberry No. 1 *, Mulberry No. 2 *, New Castle *, No. Wilkesboro-2 *, Reddies River-1 *, Reddies River-2 *, Rock Creek *, Somers *, Stanton *, Traphill No. 1 *, Traphill No. 2 *, Union *, Walnut Grove *, Wilkesboro No. 2 *; Yadkin County.

District 11: Buncombe County: Asheville #1 *, Asheville #2 *, Asheville #3 *, Asheville #4 *, Asheville #5 *, Asheville #6 *, Asheville #7 *, Asheville #8 *, Asheville #9 *, Asheville #10 *, Asheville #11 *, Asheville #12 *, Asheville #13 *, Asheville #14 *, Asheville #15 *, Asheville #16 *, Asheville #17 *, Asheville #18 *, Asheville #19 *, Asheville #20, Asheville #21 *, Beaverdam *, Biltmore *, Haw Creek *, Hazel #1 *, Hazel #2 *, Reynolds *, Woodfin *, Averys Creek *, Black Mountain #1 *, Black Mountain #2 *, Black Mountain #3 *, Black Mountain #4 *, Flat Creek *, French Broad *, Lower Hominy #1 *, Lower Hominy #2 *, Lower Hominy #3 *, Upper Hominy #1 *, Upper Hominy #2 *, Ivy #1 *, Ivy #2 *, Leicester *, West Buncombe *, Limestone #1 *, Riceville *, Swannanoa #1 *, Swannanoa #2 *, Reems Creek *, Weaverville #1 *, Weaverville #2 *, Sandy Mush *; Cherokee County; Clay County; Cleveland County: Holly Springs *, Mrb-Yo *, Shelby #1 *, Shelby #2 *, Shelby #3 *, Shelby #4 *, Shelby #5 *, Shelby #6 *, Shelby #7 *, Lattimore *, Polkville *, Lawndale *; Graham County; Haywood County; Henderson County: North Blue Ridge *, South Blue Ridge *, Clear Creek *, Bowmans Bluff *, Crab Creek *, Bat Cave *, Edneyville *, Green River *, Raven Rock *, Armory *, Flat Rock *, Grimesdale *, Hendersonville #1 *, Hendersonville #2 *, Hendersonville #3 *, Horse Shoe *, Laurel Park *, Long John Mountain *, Moores Grove *, Northeast *, Northwest *, Pisgah View *, Rugby *, Southeast *, Southwest *, Valley Hill *, Northwest Non-contiguous *, Brickton, Brickton Noncontiguous, Etowah *, North Mills River *, South Mills River *; Jackson County; McDowell County: Dysartsville township, Marion township, Nebo township, North Cove township, Old Fort township; Macon County; Madison County; Polk County: Columbus township, Greens Creek township, Saluda township, Tryon township, White Oak township; Rutherford County: Camp Creek township: Tract 9601: Block Group 1: Block 140A, Block 143; Block Group 2: Block 201A, Block 202, Block 203A, Block 207A; Tract 9602: Block Group 1: Block 145, Block 146, Block 147, Block 148, Block 149, Block 177, Block 178, Block 179A, Block 181, Block 182, Block 183A, Block 184A, Block 185, Block 187, Block 188, Block 189, Block 190, Block 192; Block Group 3: Block 301, Block 302A, Block 305A, Block 306A; Colfax township, Cool Spring township, Duncans Creek township, Gilkey township, High Shoals township, Rutherfordton township, Sulphur Springs township, Union township; Swain County; Transylvania County; Yancey County.

District 12: Alamance County: North Burlington *: Tract 0201.01: Block Group 1: Block 101; Tract 0202: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Tract 0203: Block Group 1: Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 208; Tract 0204: Block Group 3: Block 304A, Block 304B, Block 306A, Block 306B, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 317, Block 318, Block 319, Block 337, Block 338, Block 339, Block 340; Block Group 4, Block Group 6; Tract 0205: Block Group 8: Block 804, Block 816, Block 817, Block 819; Burlington #7 *, Faucette *, Haw River *, Morton *, Pleasant Grove *; Davidson County: Abbotts Creek *: Tract 0601: Block Group 1: Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 210, Block 215, Block 216, Block 217, Block 229, Block 237, Block 244, Block 245, Block 246, Block 247, Block 249, Block 251; Block Group 9: Block 913, Block 914; Cotton *: Tract 0615: Block Group 4: Block 435B, Block 439C, Block 441B, Block 442B, Block 444B, Block 445B, Block 446B, Block 447, Block 448, Block 454, Block

455, Block 456; Tract 0618.01: Block Group 2: Block 209A, Block 209B, Block 210, Block 212A, Block 212B, Block 226; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330A, Block 330B; Block Group 4: Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 537, Block 538, Block 539, Block 540, Block 546, Block 556, Block 557, Block 558; Lexington No. 1 *: Tract 0612: Block Group 3: Block 306, Block 308, Block 323, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381C; Tract 0614: Block Group 1: Block 101B, Block 107C; Block Group 2: Block 227B, Block 228B; Block Group 3: Block 301B, Block 302, Block 305, Block 306B; Block Group 4: Block 401B, Block 401C, Block 401D, Block 402D, Block 402E, Block 403, Block 404, Block 405B, Block 410B, Block 411D, Block 412B; Ward No. 1 *, Ward No. 2 *: Tract 0615: Block Group 1: Block 114, Block 115, Block 116, Block 117, Block 118, Block 141, Block 142, Block 143, Block 144, Block 155, Block 156; Block Group 4: Block 405, Block 406, Block 413, Block 414, Block 415, Block 416, Block 417, Block 421, Block 422; Tract 0616: Block Group 1: Block 104, Block 110, Block 111, Block 112; Ward No. 4 *, Ward No. 5 *, Ward No. 6 *: Tract 0614: Block Group 3: Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 321, Block 322, Block 337, Block 338, Block 339, Block 341; Tract 0615: Block Group 1: Block 119, Block 129, Block 130, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154; Block Group 2: Block 201, Block 202, Block 203; Thomasville No. 1 *, Thomasville No. 2 *, Thomasville No. 3 *, Thomasville No. 4 *: Tract 0608: Block Group 2: Block 202; Block Group 3: Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 339A, Block 342A, Block 342B, Block 343, Block 344A, Block 345A; Tract 0609: Block Group 5: Block 516, Block 517; Block Group 9: Block 906A; Thomasville No. 7 *: Tract 0605: Block Group 1: Block 118, Block 120, Block 121, Block 122, Block 123, Block 124, Block 129; Block Group 9: Block 913, Block 914, Block 916, Block 918, Block 919, Block 920, Block 921, Block 922; Tract 0608: Block Group 3: Block 306B, Block 306C, Block 306D, Block 311B, Block 312, Block 313, Block 314B, Block 322, Block 323B, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339B, Block 340, Block 341B, Block 344B, Block 345B, Block 346, Block 347, Block 348; Thomasville No. 8 *: Tract 0606: Block Group 4: Block 408, Block 409, Block 410, Block 411, Block 412, Block 415, Block 416, Block 417; Block Group 9: Block 903, Block 904B, Block 958B; Durham County: Bragtown School *, Burton School *, C.C. Spaulding School *, Durham Co. Main Library *, Durham High School *, Forest Hills Club House *, Holloway Street School *, Holton Junior High School *, Lakewood School *, Moose Lodge *, Morehead School *, North Durham School Building *, Pearson School *, Pearsontown School *, R.N. Harris *, Shephard Junior H.S. *, St. Stephens/Parish Hall *: Tract 0020.07: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 407, Block 408, Block 409; Watts Street School *, Weaver Street Community Center *, White Rock Baptist Church *, Y.E. Smith School *, Campus

Precinct *, Homestead Heights Baptist *, Carrington Junior H.S. *, Northern H.S. *, DNOE VALLEY SCHOOL NONCONTIGUOUS *, Mangum School *, Rougemont United Methodist *, Gorman Ruritan Club *; Forsyth County: Abbotts Creek #1 *, Abbotts Creek #2 *, Broadbay #1 *, Broadbay #2 *, Ashley Middle School *, Carver High School *, East Winston Library *, Forest Pk. Elementary School *, 14th Street Recreation Center *, Happy Hill Recreation Center *, Kennedy Middle School *, Lowrance Middle School *, M. L. King Recreation Center *, Mt. Sinai Church *, St. Andrews United Methodist *, Winston Lake Family YMCA *; Gaston County: Bessemer City #2 *: Tract 0318: Block Group 1: Block 101A; Firestone *: Tract 0329: Block Group 1: Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Tract 0330: Block Group 1: Block 121, Block 122, Block 123, Block 124, Block 125, Block 130, Block 132; Flint Groves *: Tract 0313.02: Block Group 2: Block 218A; Tract 0314: Block Group 1: Block 120; Block Group 4: Block 417; Tract 0321: Block Group 3: Block 305, Block 318, Block 319, Block 321, Block 322, Block 323, Block 324, Block 334; Health Center *: Tract 0315: Block Group 6: Block 601, Block 606, Block 607, Block 608, Block 609, Block 611, Block 612, Block 613; Tract 0319: Block Group 2: Block 214, Block 215, Block 221, Block 222; Block Group 3; Highland *, Myrtle *: Tract 0318: Block Group 1: Block 101B, Block 101D, Block 101E, Block 109, Block 110; Block Group 2, Block Group 3, Block Group 4, Block Group 5: Block 518, Block 519, Block 520, Block 521, Block 522, Block 526, Block 527, Block 528, Block 529, Block 530; Tract 0331: Block Group 1: Block 104, Block 105B; Ranlo *: Tract 0313.02: Block Group 2: Block 218B, Block 218C; Block Group 4: Block 413D, Block 414B; Tract 0321: Block Group 3: Block 338D; Woodhill *: Tract 0320: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 108, Block 109, Block 111, Block 112, Block 113, Block 114, Block 115, Block 121, Block 122, Block 123; Belmont #2 *: Tract 0323.01: Block Group 1: Block 101, Block 105, Block 107B, Block 108B, Block 109, Block 110A, Block 110B, Block 121B; Tract 0323.02: Block Group 1: Block 101A, Block 103, Block 104; Block Group 3: Block 319; Belmont #3 *: Tract 0312: Block Group 1: Block 116C; Lowell *: Tract 0313.02: Block Group 3: Block 353A, Block 354, Block 355, Block 356, Block 357; Block Group 4: Block 411, Block 413B, Block 417, Block 418; Tract 0322: Block Group 1: Block 104A, Block 108, Block 109; McAdenville *: Tract 0310.01: Block Group 2: Block 219A, Block 219B, Block 220A, Block 220B; Tract 0313.02: Block Group 3: Block 331B, Block 331C, Block 332, Block 353B; Tract 0323.01: Block Group 1: Block 112B; Guilford County: GB-01 *, GB-02 *, GB-03 *, GB-04 *, GB-05 *, GB-06 *, GB-07 *, GB-08 *, GB-09 *, GB-15 *: Tract 0115: Block Group 1: Block 103, Block 104, Block 105, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203Y, Block 203Z, Block 206, Block 207, Block 208, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3, Block Group 4, Block Group 5; Tract 0116.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 107; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 214, Block 218, Block 221; Tract 0126.04: Block Group 3: Block 303, Block 304; GB-19 *, Tract

0154: Block Group 6: Block 605A; GB-23 *, GB-24A *, GB-25 *, GB-26A *, GB-29 *, GB-30 *, GB-33 *, GB-36 *, GB-42 *, GB-44 *, GB-45 *, Tract 0128.03: Block Group 2: Block 217A, Block 227A, Block 228, Block 229, Block 230Y, Block 230Z, Block 231, Block 234A; HP-03 *, HP-05 *, HP-06 *, HP-07 *, HP-11 *, HP-12 *, HP-15 *, HP-17 *, HP-22 *, Gibsonville *, Jamestown-1 *: Tract 0164.02: Block Group 4: Block 401Y, Block 403B, Block 404, Block 411Y, Block 411Z, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 436, Block 437, Block 438B, Block 439B, Block 440, Block 441, Block 442; Tract 0165.01: Block Group 2: Block 212C, Block 213A; Jamestown-2 *: Tract 0126.09: Block Group 4: Block 414C; Tract 0165.01: Block Group 2: Block 212D, Block 213B; Tract 0165.02: Block Group 2: Block 206, Block 207, Block 208, Block 209, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 312, Block 313, Block 314; Block Group 4: Block 407B; North Jefferson *: Tract 0111.02: Block Group 4: Block 422B; Tract 0127.06: Block Group 2: Block 201B; Tract 0128.03: Block Group 1: Block 107B; Block Group 2: Block 201C, Block 202C, Block 205B, Block 206, Block 207, Block 213, Block 214, Block 217B, Block 224, Block 234B, Block 235; Block Group 3: Block 301, Block 303, Block 306; Block Group 9: Block 901, Block 902B, Block 904, Block 905B, Block 906; Tract 0153: Block Group 1: Block 115A, Block 117, Block 118A, Block 120A, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132; Block Group 3: Block 303A, Block 309, Block 310, Block 311, Block 312, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324; North Sumner *, South Washington *: Tract 0152: Block Group 1: Block 110, Block 111, Block 115, Block 122, Block 123, Block 124, Block 131, Block 132B, Block 133B, Block 134B, Block 136B; GB-24B *, GB-26B *, GB-35C *; Iredell County: Barringer *: Tract 0612: Block Group 3: Block 317A, Block 317C, Block 321A, Block 322A, Block 323A; Block Group 4: Block 401, Block 402A, Block 402B, Block 402F, Block 410A, Block 410C, Block 411A, Block 412A, Block 412C, Block 412D, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422A, Block 422B, Block 423A, Block 423B, Block 424, Block 425; Block Group 5: Block 501C, Block 507A, Block 508, Block 509, Block 510, Block 511; Block Group 9: Block 901A, Block 902A, Block 904A; Tract 0613: Block Group 1: Block 101A; Block Group 2: Block 201A, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 219, Block 220A, Block 221A, Block 222, Block 223, Block 224A; Block Group 3: Block 309A, Block 310A, Block 312A, Block 313, Block 314A, Block 315A, Block 316A, Block 322, Block 323; Block Group 4: Block 407A, Block 408; Chambersburg *: Tract 0606: Block Group 3: Block 323D, Block 324A, Block 325A, Block 327, Block 328, Block 329, Block 330A, Block 331, Block 332; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408B, Block 416A, Block 416C, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507A, Block 507C, Block 517A, Block 518, Block 519, Block 520; Tract 0607: Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 612; Tract 0613: Block Group 3: Block 310B, Block 311A, Block 312B, Block 317; Block Group 4: Block 407B; Coddle Creek #2 *, Coddle Creek #4 *: Tract 0614: Block Group 8: Block 820, Block 821, Block 822, Block 843, Block 844, Block 845, Block 846, Block 847, Block 852; Tract 0616: Block Group 2: Block 214; Block Group 3: Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 315, Block 316; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 401E; Block Group 5: Block 512, Block 513A, Block 513B, Block 513C, Block 513D, Block 513E, Block 514; Block Group 7: Block 714, Block 718, Block 719; Cool Springs *, Statesville #3 *, Statesville #5 *: Tract 0604: Block Group 1: Block 118, Block 119, Block 120, Block 123, Block 124, Block 125, Block 129, Block 130, Block 131, Block 135, Block 136, Block 137, Block 138; Block Group 2: Block 205, Block 206, Block 214, Block 215, Block 221, Block 224; Block Group 3: Block 301; Statesville #6 *; Mecklenburg County: Charlotte Pct. 2 *, Charlotte Pct. 3, Charlotte Pct. 9 *: Tract 0003: Block Group 1: Block 101, Block 102, Block 106, Block 108; Block Group 2; Tract 0004: Block Group 5: Block 508, Block 513, Block 518, Block 519, Block 520, Block 521; Tract 0035: Block Group 3: Block 303, Block 304; Block Group 4: Block 413; Charlotte Pct. 11 *, Charlotte Pct. 12 *, Charlotte Pct. 13 *, Charlotte Pct. 14 *, Charlotte Pct. 15 *: Tract 0010: Block Group 1: Block 104, Block 106; Block Group 2: Block 209, Block 210, Block 211, Block 217, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 310, Block 318, Block 319; Tract 0011: Block Group 1: Block 111, Block 118, Block 119; Block Group 4: Block 405, Block 406, Block 407, Block 409, Block 411, Block 412; Charlotte Pct. 16 *, Charlotte Pct. 17 *, Charlotte Pct. 22 *, Charlotte Pct. 23 *, Charlotte Pct. 24 *, Charlotte Pct. 25 *, Charlotte Pct. 26 *, Charlotte Pct. 27 *, Charlotte Pct. 28 *, Charlotte Pct. 30 *, Charlotte Pct. 31 *, Charlotte Pct. 39 *, Charlotte Pct. 40 *, Charlotte Pct. 41 *, Charlotte Pct. 42 *, Charlotte Pct. 43 *, Charlotte Pct. 46 *, Charlotte Pct. 52 *, Charlotte Pct. 53 *, Charlotte Pct. 54 *, Charlotte Pct. 55 *, Charlotte Pct. 56 *, Charlotte Pct. 60, Charlotte Pct. 77 *: Tract 0038.04: Block Group 2; Tract 0058.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 107, Block 108A, Block 109, Block 110, Block 111A, Block 124A, Block 125, Block 126, Block 127, Block 128A, Block 128B, Block 129, Block 130; Tract 0059.03: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 343, Block 386, Block 387; Charlotte Pct. 78 *, Charlotte Pct. 82 *, Charlotte Pct. 97 *: Tract 0058.07: Block Group 1, Block Group 2: Block 201A, Block 201B, Block 202B; Charlotte Pct. 98 *, BER *: Tract 0059.01: Block Group 2: Block 208, Block 209, Block 221B, Block 225, Block 226, Block 227, Block 228, Block 229; Block Group 3: Block 312, Block 313, Block 314; COR *: Tract 0062.02: Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 204A, Block 204B, Block 204C, Block 205A, Block 205B, Block 208, Block 209, Block 217, Block 218, Block 219, Block 220, Block 221; Tract 0064: Block Group 5:

Block 501A, Block 501B, Block 501C, Block 501E, Block 501F, Block 502, Block 503, Block 522, Block 523A, Block 523B, Block 524B, Block 525; Block Group 6: Block 601A, Block 601B, Block 601C, Block 601E, Block 601G, Block 604, Block 605, Block 607, Block 608, Block 609; DAV *: Tract 0062.01: Block Group 4: Block 401A, Block 402C; Tract 0064: Block Group 1, Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 203C, Block 204A, Block 204B, Block 205, Block 206, Block 221; Block Group 3: Block 302, Block 303; Block Group 6: Block 601D, Block 601F, Block 602; HUN *: Tract 0062.02: Block Group 2: Block 225, Block 226, Block 227, Block 228, Block 248, Block 249, Block 250, Block 251, Block 252, Block 294, Block 295A, Block 295B, Block 295C, Block 295D, Block 296, Block 297; Block Group 3: Block 301, Block 302A, Block 302B, Block 303A, Block 303B, Block 334, Block 335A, Block 335B, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 348, Block 349, Block 350, Block 351; Tract 0063: Block Group 1: Block 115, Block 116; Block Group 3: Block 305A, Block 305C, Block 306, Block 307, Block 312, Block 313, Block 314, Block 315B, Block 318A, Block 318B, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 403A, Block 403B, Block 403C, Block 403D, Block 447, Block 448; LC2: Tract 0054.01: Block Group 3: Block 304, Block 305, Block 306, Block 313, Block 321, Block 322, Block 323, Block 324, Block 330; Block Group 4: Block 401; Tract 0061: Block Group 1: Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108A, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127A, Block 127B, Block 127C, Block 128A, Block 128B, Block 128C, Block 129A, Block 129B, Block 133, Block 134, Block 135; LC1 - South: Tract 0061: Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 412, Block 418, Block 419; Tract 0062.02: Block Group 3: Block 331, Block 332, Block 343, Block 344, Block 347, Block 352; MC2: Tract 0054.01: Block Group 3: Block 301, Block 302, Block 303, Block 307, Block 314, Block 317, Block 319, Block 328; Tract 0054.02: Block Group 1: Block 106A, Block 129B, Block 129C, Block 129E, Block 130; Tract 0055.01: Block Group 2: Block 217A; Block Group 3: Block 312A, Block 313, Block 314, Block 315, Block 316; Tract 0061: Block Group 1: Block 131A, Block 132A; Charlotte Pct. 16 Part, MC1 part, XMC2 Noncontiguous: Charlotte Pct. 104; Orange County: Carr *: Tract 0108: Block Group 1: Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 155, Block 156, Block 157, Block 194, Block 195, Block 196, Block 197; Cedar Grove *: Tract 0108: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 146, Block 148, Block 191, Block 192, Block 193; Block Group 2: Block 216, Block 217, Block 218; Tolars *: Tract 0108: Block Group 2: Block 211A, Block 212, Block 213, Block 214, Block 215, Block 219, Block 220, Block 221, Block 222, Block 223A, Block 224A, Block 254A, Block 255, Block 256, Block 257, Block 258, Block 259A, Block 260A, Block 261A, Block 262, Block 263, Block 264, Block

265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 275, Block 276, Block 277A, Block 285A; Caldwell *: Tract 0108: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211B, Block 223B, Block 224B, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239A, Block 239B, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254B, Block 259B, Block 260B, Block 261B, Block 277B, Block 284B, Block 285B, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296A, Block 296B, Block 297A, Block 297B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307B, Block 319B, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 341, Block 370, Block 371, Block 372, Block 373, Block 374B; Tract 0109: Block Group 2: Block 201B, Block 201C, Block 201D, Block 201E, Block 202, Block 203, Block 204B; Rowan County: Franklin *: Tract 0505: Block Group 1: Block 101E; Tract 0513.01: Block Group 2: Block 208B; Block Group 3: Block 302; Tract 0513.02: Block Group 3: Block 301, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 321C, Block 321D, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334; Tract 0519: Block Group 2: Block 225A, Block 248A, Block 249, Block 250; East Spencer *, Milford Hills *, Spencer *, Trading Ford, West Innes *: Tract 0505: Block Group 2: Block 211, Block 212, Block 213; Block Group 3: Block 311, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Tract 0513.02: Block Group 3: Block 321A; East Ward II *, North Ward I *, North Ward II *: Tract 0505: Block Group 1: Block 101B, Block 101C, Block 104, Block 107A, Block 110; Tract 0506: Block Group 1: Block 104A, Block 105, Block 106, Block 107, Block 112, Block 113, Block 114, Block 115, Block 116, Block 119, Block 120, Block 121, Block 122, Block 123, Block 132; West Ward III *, Trading Ford Noncontiguous A, Scotch Irish *, Unity *.

(b) The names and boundaries of townships, precincts (voting tabulation districts), tracts, block groups, and blocks, specified in this section are as they were legally defined and recognized in the 1990 U.S. Census, except as provided in subsection (c) of this section. Boundaries are as shown on the IVTD Version of the United States Bureau of the Census 1990 TIGER Files, with such modifications as made by the Legislative Services Office and shown on its computer database as of May 1, 1991, to reflect census blocks divided by prior district boundaries, and precincts added or modified as outlined in subsection (c) of this section.

(c) For Guilford County, precinct boundaries for High Point Precincts 20, 23, and 24 are as modified by the Guilford County Board of Elections and shown on the Legislative Services Office computer database as of May 1, 1991.

For Mecklenburg County, precinct boundaries are as altered by the Mecklenburg County Board of Elections as reported to the Legislative Services Office and shown on the Legislative Services Office computer database as of May 1, 1991.

For Wake County:

(1) St. Marys Precinct #7 is as created by the Wake County Board of Elections out of St. Marys Precinct #4;

(2) Raleigh 01-27 Part is an area reported by the Bureau of the Census as part of Raleigh 01-23 but has been put by the Wake County Board of Elections in Raleigh 01-27; and

(3) VTD ZZZZ has been assigned to the appropriate parts of Wake Forest #1 and Wake Forest #2,

all as shown on the Legislative Services Office computer database as of May 1, 1991.

For Anson, Bertie, Camden, Caswell, Franklin, Gates, Greene, Hertford, Hoke, Lee, Lincoln, Martin, Mitchell, Northampton, Pasquotank, Perquimans, Person, Tyrrell, Vance, Warren, and Yadkin Counties, precincts are as shown on maps on file with the Legislative Services Office as of May 1, 1991, except that:

(1) In Anson County, Lanesboro #1 and Lanesboro #2 are listed together as Lanesboro #1 and #2;

(2) In Vance County, where West Henderson II is not contiguous, the northerly part is listed as West Henderson IIA and the southerly part as West Henderson IIB;

(3) In Perquimans County, computer VTD Code 0005 (Tract 9801, Block 550A) is actually part of Belvidere Precinct and is districted with it notwithstanding any description above;

(4) In Greene County, Snow Hill Town Satellite is Tract 9503, Block 301A which is a part of Snow Hill Town Precinct entirely surrounded by Sugg Precinct and is districted with Sugg Precinct notwithstanding any description above;

(5) In Greene County, Snow Hill Town Sat B is Tract 9503, Block 224B which is a part of Snow Hill Town Precinct entirely surrounded by Snow Hill Rural Precinct and is districted with Snow Hill Rural Precinct notwithstanding any description above;

(6) In Mecklenburg County, Precinct XMC2 Noncontiguous is Tract 55.01, Block 303C, and is districted with Precinct MC1 notwithstanding any description above;

(7) In Martin County, any listing of VTDs not defined consists of Tract 9705, Block 413 (which is in Poplar Point Precinct), Tract 9704, Block 202 (which is in Goose Nest Precinct), and Tract 9706, Block 168A (which is in Robersonville #2 Precinct), and those blocks are districted with those respective precincts regardless of any listing above;

(8) In New Hanover County, Tract 123.98, Blocks 307B, 308A, 309, 310A, 311A, and 312A, listed by the Census Bureau as part of VTD ZZZZ, are districted by this section as part of Wilmington #2.

If any precinct or township boundaries are changed, such changes shall not change the boundaries of the Congressional Districts, which shall remain the same.

In the case where any individual blocks are listed above, the district allocation of unlisted water blocks shall be as found on maps and statistical reports of the districts on file with the Secretary of State.

(c1) In this section:

(1) Wake County Tract 0510, Block 301 is shown on the computer database as part of Raleigh 01-23 * when it is in fact correctly shown on the Board of Elections map as part of Raleigh 01-27;

(2) Vance County Tract 9606 Blocks 248 and 227A are shown on the computer database as part of Hilltop, when they are in fact correctly shown on the Board of Elections map as part of North Henderson II and East Henderson I, respectively.;

(3) Lincoln County Tract 0706.98 Block 307 is shown on the computer database as part of North Brook I/II when it is in fact correctly shown on the Board of Elections map as part of North Brook III;

(4) Mecklenburg County Tract 0044 Block 906F is shown on the computer database as part of OAK when it is in fact correctly shown on the Board of Elections map as part of Charlotte Pct. 16;

(5) Granville County Tract 9703, Block 330B is districted with Corinth * Precinct notwithstanding any description above.

(c2) If any precinct or township is listed in a district in this section, with a comma after the name of the precinct or township, followed by a listing of census geography within that precinct, and other parts of that precinct or township are not listed in another district, that precinct or township is in fact whole within the district with which it is listed.

(d) If this section does not specifically assign any area within North Carolina to a district, and the area is:

(1) Entirely surrounded by a single district, the area shall be deemed to have been assigned to that district;

(2) Contiguous to two or more districts, the area shall be deemed to have been assigned to that district which contains the least population according to the 1990 United States Census; or

(3) Contiguous to only one district and to another state or the Atlantic Ocean, the area shall be deemed to have been assigned to that district. (Rev., s. 4366; 1911, c. 97; C.S., s. 6004; 1931, c. 216; 1941, c. 3; 1961, c. 864; 1966, Ex. Sess., c. 7, s. 1; 1967, c. 775, s. 1; c. 1109; 1971, c. 257; 1981, c. 894; 1982, Ex. Sess., c. 7; 1991, c. 601, s. 1; c. 761, s. 33(a), (b); 1991, Ex. Sess., c. 7, s. 1; 1993, c. 553, s. 66.)

Editor's Note. — Session Laws 1991, Ex. Sess., c. 7, which amended this section, in s. 2 repealed Session Laws 1991, c. 601, which amended this section effective July 9, 1991.

Session Laws 1991, Ex. Sess., c. 7, which amended this section and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on February 6, 1992.

Effect of Amendments. —

The 1991 Extra Session amendment, effective January 24, 1992, rewrote this section.

The 1993 amendment, effective July 24, 1993, in subdivision (c1)(4) inserted "in" following "when it is".

ARTICLE 18.

Presidential Electors.

§ 163-209. Names of presidential electors not printed on ballots.

The names of candidates for electors of President and Vice-President nominated by any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of State no later than 12:00 noon on the first Friday in August. In place of their names, in accordance with the provisions of G.S. 163-140 there shall be printed on the ballot the names of the candidates for President and Vice-President of each political party recognized in this State, and the name of any candidate for President who has qualified to have his name printed on the general election ballot under G.S. 163-122. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a candidate for Vice-President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State. (1901, c. 89, s. 78; Rev., s. 4372; C.S., s. 6010; 1933, c. 165, s. 11; 1949, c. 672, s. 2; 1967, c. 775, s. 1; 1991 (Reg. Sess., 1992), c. 782, s. 2.)

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective June 25, 1992, added the language beginning "or nominated under G.S. 163-1(c)" and ending "under G.S. 163-122" in the first sentence, added the second sentence, added the language beginning "and the name of" in the third sentence, added the fourth sentence, and inserted "or unaffiliated candidate" in the last sentence.

§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.

Upon receipt of the abstracts prepared by the State Board of Elections and delivered to him in accordance with G.S. 163-192, the Secretary of State, under his hand and the seal of his office, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice-President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in the City of Raleigh. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States, either three duplicate original certificates, or one original certificate and two authenticated copies of the Certificates of Ascertainment, under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. These Certificates of Ascertainment should be sent as soon as possible after the election, but must be received before the Electoral College meeting. At the same time he shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States. (1901, c. 89, s. 81; Rev., s. 4374; 1917, c. 176, s. 2; C.S., ss. 5916, 6012; 1923, c. 111, s. 12; 1927, c. 260, s. 17; 1933, c. 165, s. 11; 1935, c. 143, s. 2; 1967, c. 775, s. 1; 1969, c. 949, ss. 1, 2; 1981, c. 35, s. 1; 1989, c. 93, s. 5; 1993 (Reg. Sess., 1994), c. 738, s. 1.)

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective July 13, 1994, added the last sentence of the first paragraph; in the second paragraph substituted "Before" for "On or before," substituted "Archivist of the United States, either three duplicate original certificates, or one original certificate and two authenticated copies of the Certificates of Ascertainment" for "Administrator of General Services a certificate," added the second sentence; and in the third paragraph inserted "the first and second alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two vacancies," and substituted "If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors" for "those."

Article 18A.

Presidential Preference Primary Act.

§ 163-213.2. Primary to be held; date; qualifications and registration of voters.

On the Tuesday after the first Monday in May, 1992, and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-67 prior to the said primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. (1971, c. 225; 1975, c. 744; c. 844, s. 18; 1977, c. 19; c. 661, s. 7; 1983, c. 331, s. 5; 1985 (Reg. Sess., 1986), c. 927, s. 1; 1987, c. 457, s. 3; 1991, c. 689, s. 15(a); 1991 (Reg. Sess., 1992), c. 1032, s. 6.)

Editor's Note. — G.S. 163-67, referred to above, has been repealed.

Effect of Amendments. —

The 1991 (Reg. Sess., 1992) amendment, effective with respect to elections occurring on or after July 1, 1993, substituted "last day for making application to register under G.S. 163-67" for "21st day" in the second sentence of the second paragraph.

§ 163-213.7. Voting in presidential preference primary; ballots.

The names of all candidates in the presidential preference primary shall appear at an appropriate place on the ballot or voting machine. In addition the State Board of Elections shall provide a category on the ballot or voting machine allowing voters in each political party to vote an "uncommitted" or "no preference" status. The voter shall be able to cast his ballot for one of the presidential candidates of a political party or for an "uncommitted" or "no preference" status, but shall not be permitted to vote for candidates or "uncommitted" status of a political party different from his registration. Persons registered as "Unaffiliated" shall not participate in the presidential primary except as provided in G.S. 163-116. (1971, c. 225; 1975, c. 744; 1993 (Reg. Sess., 1994), c. 762, s. 52.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, rewrote the last sentence, which formerly read: "Persons registered as 'Independents' or 'No Party' shall not participate in the presidential preference primary except upon such affiliation in accordance with law."

ARTICLE 19.

Petitions for Elections and Referenda.

§ 163-221. Persons may not sign name of another to petition.

(a) No person may sign the name of another person to:

(1) Any petition calling for an election or referendum;

(2) Any petition under G.S. 163-96 for the formulation of a new political party;

(3) Any petition under G.S. 163-107.1 requesting a person to be a candidate;

(4) Any petition under G.S. 163-122 to have the name of an unaffiliated candidate placed on the general election ballot, or under G.S. 163-296 to have the name of an unaffiliated or nonpartisan candidate placed on the regular municipal election ballot; or

(5) Any petition under G.S. 163-213.5 to place a name on the ballot under the Presidential Preference Primary Act.

(b) Any name signed on a petition, in violation of this section, shall be void.

(c) **(Effective October 1, 1994 — See editor's note)** Any person who willfully violates this section is guilty of a Class 2 misdemeanor. (1977, c. 218, s. 1; 1979, c. 534, s. 1; 1987, c. 565, s. 6; 1993, c. 539, s. 1104; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in subsection (c).

SUBCHAPTER VII. ABSENTEE VOTING.

ARTICLE 20.

Absentee Ballot.

§ 163-226. Who may vote an absentee ballot.

Editor's Note. — Session Laws 1991, Ex. Sess., c. 1, s. 7 provides: "For the 1992 primary election only, as well as any other elections conducted on that date, absentee ballots shall be available by mail beginning at the same time they are available to voters appearing in person under G.S. 163-227, that being the day after registration ends."

Section 9 of Session Laws 1991, Ex. Sess., c. 1 provides that the act is effective December 30, 1991, but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965.

Session Laws 1991, Ex. Sess., c. 1, which is noted above and which was submitted to the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c), received preclearance from the United States Department of Justice on January 3, 1992.

Session Laws 1994, Extra Session, c. 1, s. 4(b) provides that notwithstanding the provisions of Article 20 or Article 21 of Chapter 163, the time by which absentee ballots are required to be printed and distributed for the 1994 primary is reduced from 50 days to 40 days before the primary election, and that this subsection applies on a statewide basis and to all offices and all elections held on that date.

Session Laws 1994, Extra Session, c. 1, s. 6 provides: "This act is effective upon ratification [February 17, 1994], but may not be enforced except as provided by section 5 of the Voting Rights Act of 1965."

§ 163-227. State Board to prescribe form of application for absentee ballots; county to secure.

(a) Applications for Absentee Ballots Generally. — A voter falling in any one of the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for absentee ballots not earlier than 50 days prior to the statewide, county or municipal election in which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election. Subject to all other provisions contained in this Article, a voter applying for an absentee ballot shall complete the standard application form to be secured by the county board of elections, as designed and prescribed by the State Board of Elections. The form shall contain lines to be checked off by each of the kinds of voters specified below:

(1) A voter expecting to be absent from the county of his residence all day on the day of the specified election. (G.S. 163-226(a)(1)).

(2) A voter who is unable to be present at the voting place to vote in person on the day of the specified election because of his sickness or other physical disability occurring before 5:00 P.M. on the day prior to the date of the specified election. (G.S. 163-226(a)(2)).

(3) Repealed by Session Laws 1991, c. 727, s. 6.1, effective with respect to elections occurring on or after January 1, 1992.

(4) A voter expecting to be absent from the county, or due to emergency disability will be unable to vote in person, or a person who qualifies under G.S. 163-226(a)(4), and who, in lieu of making application by mail, wishes to apply in person and receive a ballot which he may immediately vote in the office of the county board of elections.

(b) Types of Applications; Instructions. —

(1) Expected Absence from County on Election Day. — A voter expected to be absent from the county in which registered during the entire period that the polls will be open on primary or general election day, or a near relative, or verifiable legal guardian, shall make written application for absentee ballots to the chairman of the board of elections of the county in which the voter is registered not earlier than 50 days nor later than 5:00 P.M. on the Tuesday before the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be fur-

nished the voter or a near relative by the chairman of the county board of elections.

The applicant shall sign his application personally, or it shall be signed by a near relative or verifiable legal guardian. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form. The application form when properly filled out shall be transmitted by mail or delivered in person by the applicant or a near relative to the chairman or the supervisor of elections of the county board of elections.

(2) Absence for Sickness or Physical Disability Occurring before 5:00 P.M. on the day prior to the Primary or General Election. — A voter expecting to be unable to go to the voting place to vote in person on primary or general election day because of his sickness or other physical disability, or his near relative or verifiable legal guardian, shall make written application for absentee ballots to the chairman of the board of elections of the county in which the voter is registered not earlier than 50 days nor later than 5:00 P.M. on the day before the election. The application shall be submitted in the form set out in this subdivision upon a copy which shall be furnished the voter or a near relative or verifiable legal guardian by the chairman of the county board of elections.

The application shall be signed by the voter personally, or it shall be signed by a near relative or verifiable legal guardian. The application shall be signed in the presence of a witness, who shall sign his name in the place provided on the form.

The application form, when properly filled out, shall be transmitted by mail or delivered in person by the applicant or a near relative or verifiable legal guardian to the chairman or supervisor of elections of the county board of elections of the county in which the applicant is registered.

(3) Repealed by Session Laws 1991, c. 727, s. 6.1, effective with respect to elections occurring on or after January 1, 1992.

(4) "One-Stop" Voting Procedure, in Office of the County Board of Elections. — A voter falling in the category specified in G.S. 163-227.2 may execute an application form and proceed to vote his absentee ballot in the office of the county board of elections only.

(c) Application Forms Issued by Chairman of County Board of Elections. — The chairman of the county board of elections shall be sole custodian of all absentee ballot application forms, but he, the secretary of the board and the supervisor of elections of the board, in accordance with one of the following two procedures, shall issue and deliver a single application form, upon request, to a person authorized to sign such an application under the provisions of this section:

(1) The chairman, secretary or supervisor of elections may deliver the form to a voter personally or to his near relative or verifiable legal guardian at the office of the county board of elections for the voter's own use; or

(2) The chairman, secretary or supervisor of elections may mail the form to a voter for his own use upon receipt of a

written request from the voter or his near relative or verifiable legal guardian.

At the time he issues an application form, the chairman, secretary or supervisor of elections of the county board of elections shall number it and write the name of the voter in the space provided therefor at the top of the form. At the same time the chairman, secretary or supervisor of elections shall insert the name of the voter and the number assigned his application in the register of absentee ballot applications and ballots issued provided for in G.S. 163-228. If the application is requested by the voter's near relative, or verifiable legal guardian, the chairman, secretary or supervisor of elections also shall insert that person's name in the register after the name of the voter.

The chairman, secretary or supervisor of elections shall issue only one application form to a voter or his near relative or verifiable legal guardian unless a form previously issued is returned to the chairman, secretary or supervisor of elections and marked "Void" by him. In such a situation, the chairman, secretary or supervisor of elections may issue another application form to the voter or a near relative or verifiable legal guardian, but he shall retain the voided application form in the board's records. If the application is requested by the voter's near relative or verifiable legal guardian, the chairman, secretary or supervisor of elections shall write the name of the near relative or verifiable legal guardian on the index of near relatives or verifiable legal guardians, applying for applications for absentee ballots; the index shall be in such form as may be prescribed or approved by the State Board of Elections; a separate index shall be maintained for each primary, general or special election in which absentee voting is allowed.

(3) Applications or Absentee Ballots Transmitted by Mail or in Person. — An application for absentee ballots shall be made and signed only by the voter desiring to use them or the voter's near relative or verifiable legal guardian and shall be valid only when transmitted to the chairman or supervisor of elections of the county board of elections by mail or delivered in person by the voter or his near relative or legal verifiable guardian.

(4) Who Is Authorized to Request Applications for Absentee Ballots. — A voter may personally request an application for absentee ballots or may cause such request to be made through a near relative or verifiable legal guardian. For the purpose of this Article, "near relative" means spouse, brother, sister, parent, grandparent, child, or grandchild.

(5) The form of application for persons applying to vote in a primary under the provisions of this section shall be as designed and prescribed by the State Board of Elections. No voter shall be furnished ballots for voting in a primary except the ballots for candidates for nomination in the primary of the political party with which he is affiliated at the time he makes application for absentee ballots. The official registration records of the county in which the voter is registered shall be proof of the party, if any, with which the voter is affiliated.

(6) The county board of elections shall cause to be stamped or printed on the face of each application for absentee ballots the following legend, and the blank space in the legend to be completed:

"This application is issued for absentee ballots to be voted in the .... (primary or general or special election) to be held in .... County on the .... day of ...., 19 ...." The county board of elections shall not issue any absentee ballots on the basis of any application that does not bear the completed legend.

(7) No applications shall be issued earlier than 50 days prior to the election in which the voter wishes to vote. Nothing herein shall prohibit the county board of elections from receiving written requests for applications earlier than 50 days prior to the election but such applications shall not be mailed or issued to the voter in person earlier than 50 days prior to the election.

(8) Applications for absentee ballots shall be issued only by mail or in the office of the county board of elections to the voter or a near relative or verifiable legal guardian authorized to make application. No election official shall issue applications for absentee ballots except in compliance with the provisions stated herein. (1939, c. 159, s. 2; 1943, c. 751, s. 1; 1963, c. 457, s. 2; 1967, c. 775, s. 1; c. 952, s. 3; 1971, c. 947, ss. 1-5; 1973, c. 536, s. 1; c. 1075, ss. 1-3; 1975, c. 19, s. 69; c. 844, s. 11; 1977, c. 469, s. 1; c. 626, s. 1; c. 680; 1981, c. 155, s. 3; c. 305, s. 1; 1983, c. 331, s. 3; 1985, c. 563, s. 2; c. 600, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 986, s. 2; 1987, c. 485, ss. 2, 5; c. 509, s. 9; 1989, c. 635, s. 5; 1989 (Reg. Sess., 1990), c. 991, s. 1; 1991, c. 337, s. 1; c. 636, s. 21; c. 727, s. 6.1.)

Editor's Note. — This section has been set out above to correct an error in subdivision (c)(7) of this section as it appears in the main pamphlet.

§ 163-227.2. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.

(a) A person expecting to be absent from the county in which he is registered during the entire period that the polls are open on the day of an election in which absentee ballots are authorized or is eligible under G.S. 163-226(a)(2) or G.S. 163-226(a)(4) may request an application for absentee ballots, complete the application, receive the absentee ballots, vote and deliver them sealed in a container-return envelope to the county board of elections in the county in which he is registered under the provisions of this section.

(b) Not earlier than the twenty-fourth day before an election, in which absentee ballots are authorized, in which he seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall appear in person only at the office of the county board of elections and request that the chairman, a member, or the supervisor of elections of the board, or an employee of the board of elections, authorized by the board, furnish him with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the chairman, member, supervisor of elections or authorized employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the chairman, member, supervisor of elections of the board, or employee of the board of elections, authorized by the board, shall enter the voter's name in the register of absentee ballot applications and ballots issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c); shall furnish the voter with the ballots to which the application for absentee ballots applies; and shall furnish the voter with a container-return envelope. The voter thereupon shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the container-return envelope to the chairman, member, supervisor of elections of the board, or an employee of the board of elections, authorized by the board, immediately after making and subscribing the certificate printed on the container-return envelope as provided in G.S. 163-229(b). All actions required by this subsection shall be performed in the office of the board of elections. For the purposes of this section only, the chairman, member, supervisor of elections of the board, or full-time employee, authorized by the board shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the certificate.

(d) Only the chairman, member or supervisor of elections of the board shall keep the voter's application for absentee ballots and the sealed container-return envelope in a safe place, separate and apart from other applications and container-return envelopes. At the first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the application and envelope, the chairman shall comply with the requirements of G.S. 163-230(1) and [G.S.] 163-230(2)b. and c. If the voter's application for absentee ballots is approved by the board at that meeting, the application form and container-return envelope, with the ballots enclosed, shall be handled in the same manner and under the same provisions of law as applications and container-return envelopes received by the board under other provisions of this Article. If the voter's application for absentee ballots is disapproved by the board, the board shall so notify the voter stating the reason for disapproval by first-class mail addressed to the voter at his residence address or at the address shown in the application for absentee ballots; and the board chairman shall retain the container-return envelope in its unopened condition until the day of the primary or election to which it relates and on that day he shall destroy the container-return envelope and the ballots therein, without, however, revealing the manner in which the voter marked the ballots.

(e) The voter shall vote his absentee ballot in a voting booth and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote his absentee ballot in that room. The voting booth shall be in the office of the county board of elections. If the voter needs assistance in getting to and from the voting booth and in preparing and marking his ballots or if he is a blind voter, only a member of the county board of elections, the supervisor of elections, an employee of the board of elections authorized by the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal guardian shall be entitled to assist the voter.

(f) Notwithstanding the exception specified in G.S. 163-119 [163-130], counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election or primary. The boards of county commissioners shall provide necessary funds for the additional operation of the office during such time. (1973, c. 536, s. 1; 1975, c. 844, s. 12; 1977, c. 469, s. 1; c. 626, s. 1; 1979, c. 107, s. 14; c. 799, ss. 1-3; 1981, c. 305, s. 2; 1985, c. 600, s. 4; 1987, c. 583, s. 4; 1989, c. 520; 1989 (Reg. Sess., 1990), c. 991, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 53.)

Local Modification. — Anson County Bd. of Commissioners: 1991 (Reg. Sess., 1992), c. 781, s. 9 (but shall only be enforced as provided by Section 5 of the Voting Rights Act of 1965).

For additional local modifications to this section, see the main pamphlet.

Editor's Note. —

The section number 163-130 was set out in brackets in subsection (f) above to reflect the apparent intent of the legislature.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "twenty-fourth day" for "day following the day on which the registration books close" in the first sentence of subsection (b), and substituted "G.S. 163-116" for "G.S. 163-67(b)" in the first sentence of subsection (f).

§ 163-230.1. Simultaneous issuance of absentee ballots with application.

(a) When a qualified voter personally requests by mail an application for absentee ballots, the county board of elections shall cause to be mailed to that voter in a single package:

(1) The official ballots the voter is entitled to vote if his application is approved;

(2) A container-return envelope for the ballots, upon the outside of which shall be printed the appropriate application form as provided in G.S. 163-227;

(3) A large envelope (similar to a No. 14 or larger manila envelope) in which the container-return envelope with the ballots may be returned and on which the affidavit provided by G.S. 163-229(b) shall be printed; and

(4) An instruction sheet.

The ballots, envelopes and instructions shall be mailed to the voter by the county board's chairman, secretary or supervisor as determined by the board and entered in its official minutes.

On the back of the large transmittal envelope shall be clearly printed or stamped the following statement:

DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS ENVELOPE UNTIL YOU HAVE COMPLETED

THE APPLICATION ON THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE OF A WITNESS.

(b) The application shall be completed, the ballots marked, the ballots sealed in the container-return envelope, and the large envelope affidavit completed as provided in G.S. 163-227 and G.S. 163-231. The container-return envelope shall be placed in the large transmittal envelope for return to the chairman of the county board of elections.

(c) At its next official meeting after return of the completed container-return envelope and large envelope with the voter's ballots, the county board of elections shall determine whether the container-return envelope and large envelope have been properly executed. If the board determines that both the container-return envelope and large envelope have been properly executed, it shall approve the application and deposit the container-return envelope with other container-return envelopes for the envelope to be opened and the ballots counted at the same time as all other container-return envelopes and absentee ballots.

(d) The provisions of this section shall apply only to requests received by mail from and signed by the voter individually and personally. No near relative, guardian, or other person other than the voter himself shall be permitted to apply for absentee ballots under this section.

(e) The State Board of Elections, by regulation or by instruction to the county board of elections, shall establish procedures to provide appropriate safeguards in the implementation of this section. (1983, c. 304, s. 1; 1985, c. 759, ss. 5.1-5.5; 1991, c. 727, s. 6.3; 1993, c. 553, s. 67.)

Effect of Amendments. — The 1993 amendment, effective July 24, 1993, in subdivision (a)(3) inserted "envelope" following "carrier-return".

§ 163-232. Certified list of executed absentee ballots; distribution of list.

The chairman of the county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina
County of ....

I, ..., chairman of the .... County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the ..... day of ...., 19 ....., which have been approved by the county board of elections. I further certify that I have issued ballots to no other persons than those listed herein, whose original applications or original applications made by near relatives are filed in the office of the county board of elections; and I further certify that I have not delivered ballots for absentee voting to any person other than the voter himself, by mail or in person, except as provided by law, in the case of approved applications received after 5:00 P.M. on the Tuesday or Friday before the election.

This the .... day of ...., 19 .....

....
(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this .... day of ......, 19 ...... Witness my hand and official seal.

....
(Signature of officer
administering oath)

....
(Title of officer)"

No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as "first-class" mail to the State Board of Elections. He shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The chairman shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the chairman shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

The chief judge shall post one copy of the list immediately in a conspicuous location in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made to absentee ballots as provided in G.S. 163-89.

After receipt of the list of absentee voters required by this section the chief judge shall call the name of each person recorded on the list and enter an "A" in the appropriate voting square on the voter's permanent registration record. If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the chairman of the county board of elections for resolution by the board of elections prior to certification of results by the board.

All lists required by this section shall be retained by the county board of elections for a period of four years after which they may then be destroyed. (1939, c. 159, s. 6; 1943, c. 751, s. 3; 1963, c. 457, s. 6; 1967, c. 775, s. 1; 1973, c. 536, s. 1; 1977, c. 469, s. 1; 1981, c. 155, s. 1; c. 305, s. 4; 1985, c. 600, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 54.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, deleted "Post Office Box 1166, Raleigh, N.C. 27602" at the end of the first sentence of the first paragraph following the certificate, and substituted "chief judge" for "registrar" throughout the section.

§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the chairman or supervisor of elections of the county board of elections in the container-return envelopes shall be retained by the chairman to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 P.M. on the day before election day in a properly executed container-return envelope shall be counted.

(2) The county board of elections shall meet at 5:00 P.M. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 P.M. on election day. Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided he shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots between the hours of 2:00 P.M. and 5:00 P.M. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity. The board shall not announce the result of the count before 7:30 P.M.

(3) The counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and such fact is publicly declared and entered in the official minutes of the county board.

(4) The county board of elections may employ such assistants as deemed necessary to count the absentee ballots, but each board member present shall be responsible for and observe and supervise the opening and tallying of the ballots.

(5) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot.

After all ballots have been placed in the boxes, the counting process shall begin.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The chairman shall be responsible for the safekeeping of the pollbook of absentee voters.

(6) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board of Elections. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board of Elections, Raleigh, North Carolina 27602.

(7) One copy of the absentee abstract shall be retained by the county board of elections and the totals appearing thereon shall be added to the final totals of all votes cast in the county for each office as determined on the official canvass.

(8) In the event a political party does not have a member of the county board of elections present at the 5:00 P.M. meeting to count absentee ballots due to illness or other cause of the member, the counting shall not commence until the county party chairman of said absent member, or a member of the party's county executive committee, is in attendance. Such person shall act as an official witness to the counting and shall sign the absentee ballot abstract as an "observer."

(9) The county board of elections shall retain all container-return envelopes and absentee ballots, in a safe place, for at least four months, and longer if any contest is pending concerning the validity of any ballot. (1939, c. 159, ss. 8, 9; 1945, c. 758, s. 8; 1953, c. 1114; 1963, c. 547, s. 8; 1967, c. 775, s. 1; c. 851, s. 2; 1973, c. 536, s. 1; 1975, c. 798, s. 3; 1977, c. 469, s. 1; c. 626, s. 1; 1989, c. 93, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 55.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" in the third paragraph of subdivision (5).

§ 163-236. (Effective October 1, 1994 — See editor's note) Violations by chairman of county board of elections.

The chairman of the county board of elections shall be sole custodian of blank applications for absentee ballots, official ballots, and container-return envelopes for absentee ballots. He shall issue and deliver blank applications for absentee ballots in strict accordance with the provisions of G.S. 163-227(c). The issuance of ballots to persons whose applications for absentee ballots have been approved by the county board of elections under the provisions of G.S. 163-230(3) is the responsibility and duty of the chairman of the county board of elections.

It shall be the duty of the chairman of the county board of elections to keep current all records required of him by this Article and to make promptly all reports required of him by this Article.

The willful violation of this section shall constitute a Class 2 misdemeanor. (1939, c. 159, s. 14; 1963, c. 457, s. 10; 1967, c. 775, s. 1; 1977, c. 469, s. 1; 1987, c. 565, s. 9; 1993, c. 539, s. 1105; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the third paragraph.

§ 163-237. (Effective October 1, 1994 — See editor's note) Certain violations of absentee ballot law made criminal offenses.

(a) False Statements under Oath Made Class 2 Misdemeanor. — If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement under oath, is required to be made by the provisions of this Article, he shall be guilty of a Class 2 misdemeanor.

(b) False Statements Not under Oath Made Class 2 Misdemeanor. — Except as provided by G.S. 163-275(16), if any person, for the purpose of obtaining or voting any official ballot under the provisions of this Article, shall willfully sign any printed or written false statement which does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn to, he shall be guilty of a Class 2 misdemeanor.

(c) Fraud in Connection with Absentee Vote; Forgery. — Any person attempting to aid and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of this Article, shall be guilty of a misdemeanor. Attempting to vote by fraudulently signing the name of a regularly qualified voter is a Class I felony.

(d) Violations Not Otherwise Provided for Made Class 2 Misdemeanors. — If any person shall willfully violate any of the provisions of this Article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, he shall be guilty of a Class 2 misdemeanor. (1929, c. 164, s. 40; 1939, c. 159, ss. 12, 13, 15; 1967, c. 775, s. 1; 1977, c. 469, s. 1, 1985, c. 562, s. 6; 1987, c. 565, s. 8; 1993, c. 539, ss. 1106, 1324; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the catchlines for subsections (a), (b), and (d) and throughout subsections (a), (b), (c), and (d); and at the beginning of the second sentence of subsection (c) deleted "Any person" and substituted "is a Class I felony" for "shall be guilty of forgery, and be punished accordingly" at the end of that sentence.

ARTICLE 21.

Military Absentee Registration and Voting in Primary and General Elections.

§ 163-245. Persons in armed forces, their spouses, certain veterans, civilians working with armed forces, and members of Peace Corps may register and vote by mail.

Editor's Note. — Session Laws 1994, Extra Session, c. 1, s. 4(b) provides that notwithstanding the provisions of Article 20 or Article 21 of Chapter 163, the time by which absentee ballots are required to be printed and distributed for the 1994 primary is reduced from 50 days to 40 days before the primary election, and that this subsection applies on a statewide basis and to all offices and all elections held on that date.

Session Laws 1994, Extra Session, c. 1, s. 6 provides: "This act is effective upon ratification [February 17, 1994], but may not be enforced except as provided by section 5 of the Voting Rights Act of 1965."

§ 163-251. Certified list of approved military absentee ballot applications; record of ballots received; disposition of list; list constitutes registration.

(a) Preparation of List. — The chairman of the county board of elections shall prepare, or cause to be prepared, a list in quadruplicate of all military absentee ballots returned to the county board of elections to be counted which have been approved by the county board of elections. At the end of the list the chairman shall execute the following certificate under oath:

"State of North Carolina
County of ....

I, ..., Chairman of the ....County Board of Elections, do hereby certify that the foregoing is a list of all executed military absentee ballots to be voted in the election to be conducted on the .... day of ...., 19 ....., which have been approved by the County Board of Elections. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered military absentee ballots to persons other than those listed herein; that this list constitutes the only precinct registration of military absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the .... day of ....19 .....

....
(Signature of Chairman of County Board of Elections)

Sworn to and subscribed before me this .... day of .... 19 ......

....
(Signature of Officer administering oath)

....
(Title of officer)"

(b) Distribution of List. — No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed military absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as first-class mail to the State Board of Elections. The chairman shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The chief judge shall post one copy in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made as provided in G.S. 163-89.

After receipt of the list of absentee voters required by this section the chief judge shall call the name of each person recorded on the list and enter an "A" in the appropriate voting square on the voter's permanent registration record, if any. If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the chairman of the county board of elections for resolution by the board of elections prior to certification of results by the board.

(c) List Constitutes Registration. — The "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued" prescribed by this section, when delivered to the chief judges of the various precincts, shall constitute the only precinct registration of the military absentee voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Chief judges shall not add the names of persons listed on the military absentee list to the regular registration books of their precincts.

(d) Counting Ballots, Hearing Challenges. — The county board of elections shall count military ballots as provided for civilian absentee ballots in G.S. 163-234, and shall hear challenges as pro-

vided in G.S. 163-89. (1941, c. 346, ss. 7-10, 12, 13; 1943, c. 503, ss. 4, 5; 1963, c. 457, s. 15; 1967, c. 775, s. 1; 1973, c. 536, s. 2; 1977, c. 265, s. 17; 1979, c. 797, s. 3; 1981, c. 155, s. 2; c. 308, s. 3; 1983, c. 331, s. 4; 1993 (Reg. Sess., 1994), c. 762, ss. 56, 57.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judge" for "registrar" twice in each paragraph of subsection (b), deleted "Post Office Box 1166, Raleigh, North Carolina 27602" at the end of the first sentence of subsection (b), and substituted "chief judges" for "registrars" in each sentence of subsection (c).

SUBCHAPTER VIII. REGULATION OF ELECTION CAMPAIGNS.

ARTICLE 22.

Corrupt Practices and Other Offenses against the Elective Franchise.

§ 163-269. (Effective October 1, 1994 — See editor's note) Violations by corporations.

It shall be unlawful for any corporation doing business in this State, either domestic or foreign charter, directly or indirectly to make any contribution or expenditure in aid or in behalf of any candidate or campaign committee in any primary or election held in this State, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used, or for any contribution or expenditure so made; or for any officer, director, stockholder, attorney or agent of any corporation to aid, abet, advise or consent to any such contribution or expenditure, or for any person to solicit or knowingly receive any such contribution or expenditure.

Any officer, director, stockholder, attorney or agent of any corporation aiding or abetting in any contribution or expenditure made in violation of this section shall, in addition to being guilty of a Class 2 misdemeanor as hereinafter set out, be liable to such corporation for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder thereof. Any person violating this section shall be guilty of a Class 2 misdemeanor. (1931, c. 348, s. 9; 1951, c. 983, s. 1; 1967, c. 775, s. 1; 1993, c. 539, s. 1107; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, in the first sentence of the second paragraph inserted "Class 2" preceding "misdemeanor", and in the second sentence of the second paragraph substituted "Class 2 misdemeanor" for "misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court".

§ 163-270. (Effective October 1, 1994 — See editor's note) Using funds of insurance companies for political purposes.

No insurance company or association, including fraternal beneficiary associations, doing business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint-stock company, or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. An officer, director, stockholder, attorney or agent for any corporation or association which violates any of the provisions of this section, who participates in, aids, abets, advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a Class 2 misdemeanor.

Any officer aiding or abetting in any contribution made in violation of this section shall be liable to the company or association for the amount so contributed. The Commissioner of Insurance may revoke the license of any company violating this section. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon criminal investigation or proceeding. (1907, c. 121; C.S., s. 4199; 1967, c. 775, s. 1; 1987, c. 565, s. 10; 1993, c. 539, s. 1108; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the last sentence of the first paragraph.

§ 163-271. (Effective October 1, 1994 — See editor's note) Intimidation of voters by officers made misdemeanor.

It shall be unlawful for any person holding any office, position, or employment in the State government, or under and with any department, institution, bureau, board, commission, or other State agency, or under and with any county, city, town, district, or other political subdivision, directly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other person in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election. A violation of this section is a Class 2 misdemeanor. (1933, c. 165, s. 25; 1967, c. 775, s. 1; 1987, c. 565, s. 11; 1993, c. 539, s. 1109; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the last sentence.

§ 163-272.1. (Effective October 1, 1994 — See editor's note) Penalties for violation of this Chapter.

Whenever in this Chapter it is provided that a crime is a misdemeanor, the punishment shall be for a Class 2 misdemeanor. (1987, c. 565, s. 1; 1993, c. 539, s. 1110; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, substituted "for a Class 2 misdemeanor" for "imprisonment for not more than six months, or a fine of not more than one thousand dollars ($1,000), or both, in the discretion of the court".

§ 163-273. Offenses of voters; interference with voters; penalty.

(a) **(Effective October 1, 1994 — See editor's note)** Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful:

(1) For a voter, except as otherwise provided in this Chapter, to allow his ballot to be seen by any person.

(2) For a voter to take or remove, or attempt to take or remove, any ballot from the voting enclosure.

(3) For any person to interfere with, or attempt to interfere with, any voter when inside the voting enclosure.

(4) For any person to interfere with, or attempt to interfere with, any voter when marking his ballots.

(5) For any voter to remain longer than the specified time allowed by this Chapter in a voting booth, after being notified that his time has expired.

(6) For any person to endeavor to induce any voter, while within the voting enclosure, before depositing his ballots, to show how he marks or has marked his ballots.

(7) For any person to aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the voting enclosure, in marking his ballots.

(b) Election officers shall cause any person committing any of the offenses set forth in subsection (a) of this section to be arrested and shall cause charges to be preferred against the person so offending in a court of competent jurisdiction. (1929, c. 164, s. 29; 1967, c. 775, s. 1; 1987, c. 565, s. 12; 1993, c. 539, s. 1111; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the first sentence of subsection (a).

§ 163-274. (See editor's note) Certain acts declared misdemeanors.

Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful:

(1) For any person to fail, as an officer or as a judge or chief judge of a primary or election, or as a member of any board of elections, to prepare the books, ballots, and return blanks which it is his duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;

(2) For any person to continue or attempt to act as a judge or chief judge of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;

(3) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of elections;

(4) For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any chief judge or judge of election in the performance of his duties as imposed by law;

(5) For any person to bet or wager any money or other thing of value on any election;

(5a) For any person to be a witness under G.S. 163-231(a) or G.S. 163-250(a) in any primary or election in which the person is a candidate for nomination or election;

(6) For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which he may have failed to cast;

(7) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;

(8) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

(9) For any person to give or promise, in return for political support or influence, any political appointment or support for political office;

(10) For any chairman of a county board of elections or other returning officer to fail or neglect, willfully or of malice, to perform any duty, act, matter or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns thereof;

(11) For any clerk of the superior court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement to a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees therefor;

(12) For any person willfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by

falsely representing to such voter that the ballot proposed to him is such as he desires; or

(13) Except as authorized by G.S. 163-72.2(b), for any person to provide false information, or sign the name of any other person, to a written report under G.S. 163-72.2. (1931, c. 348, s. 9; 1951, c. 983, s. 1; 1967, c. 775, s. 1; 1979, c. 135, s. 3; 1987, c. 565, s. 13; c. 583, s. 9; 1993, c. 539, s. 1112; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 762, ss. 58(a)-(c).)

Editor's Note. — G.S. 163-72.2, referred to above, has been repealed.

Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Chapter 24, section 14 of the North Carolina Extra Session amended the effective date provisions of Chapter 538, section 56 and Chapter 539, section 1359 of the 1993 Session Laws by changing the effective date of the changes made by those chapters from January 1, 1995 to October 1, 1994.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in the first sentence.

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, and applicable to offenses committed on or after January 1, 1995, substituted "chief judge" for "registrar" in subdivisions (1), (2), and (4).

CASE NOTES

Free Speech Guarantees Not Violated. — Subdivision (7), prohibiting anonymous, derogatory charges against candidates for primary or general elections, does not violate the free speech guarantees of U.S. Const., Amend. I or N.C. Const., Art. I, § 14. State v. Petersilie, 334 N.C. 169, 432 S.E.2d 832 (1993).

§ 163-275. Certain acts declared felonies.

Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;

(2) For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;
(3) For any person who is an election officer, a member of an election board or other officer charged with any duty with respect to any primary or election, knowingly to make any false or fraudulent entry on any election book or any false or fraudulent returns, or knowingly to make or cause to be made any false statement on any ballot, or to do any fraudulent act or knowingly and fraudulently omit to do any act or make any report legally required of such person;
(4) For any person knowingly to swear falsely with respect to any matter pertaining to any primary or election;
(5) For any person convicted of a crime which excludes him from the right of suffrage, to vote at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law;
(6) For any person to take corruptly the oath prescribed for voters;
(7) For any person with intent to commit a fraud to register or vote at more than one precinct or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election;
(8) For any chief judge or any clerk or copyist to make any entry or copy with intent to commit a fraud;
(9) For any election official or other officer or person to make, certify, deliver or transmit any false returns of any primary or election, or to make any erasure, alteration, or conceal or destroy any election ballot, book, record, return or process with intent to commit a fraud;
(10) For any person to assault any chief judge, judge of election or other election officer while in the discharge of his duty in the registration of voters or in conducting any primary or election;
(11) For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any chief judge, judge of election or other election officer in the discharge of his duties in the registration of voters or in conducting any primary or election;
(12) For any chief judge, judge of election, member of a board of elections, assistant, marker, or other election official, directly or indirectly, to seek, receive or accept money or the promise of money, the promise of office, or other reward or compensation from a candidate in any primary or election or from any source other than such compensation as may be provided by law for his services;
(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting;
(14) For any officer authorized by G.S. 163-80 to register voters and any other individual to knowingly and willfully receive, complete, or sign an application to register from any voter contrary to the provisions of G.S. 163-72; or
(15) Reserved for future codification purposes.

(16) For any person falsely to make the certificate provided by G.S. 163-229(b)(2) or G.S. 163-250(a).

(17) For any person, directly or indirectly, to misrepresent the law to the public through mass mailing or any other means of communication where the intent and the effect is to intimidate or discourage potential voters from exercising their lawful right to vote. (1901, c. 89, s. 13; Rev., s. 3401; 1913, c. 164, s. 2; C.S., s. 4186; 1931, c. 348, s. 10; 1943, c. 543; 1965, c. 899; 1967, c. 775, s. 1; 1979, c. 539, s. 4; 1979, 2nd Sess., c. 1316, ss. 27, 28; 1981, cc. 63, 179; 1985, c. 562, s. 5; 1987, c. 565, s. 14; c. 583, s. 7; 1989, c. 770, s. 38; 1991, c. 727, s. 1; 1993, c. 553, s. 68; 1993 (Reg. Sess., 1994), c. 762, ss. 58(d)-(g).)

Editor's Note. — G.S. 163-72, referred to above, has been repealed.

G.S. 163-80, referred to above, has been repealed.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 amendment, effective July 24, 1993, in subdivision (17) substituted "discourage" for "discourages".

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, and applicable to offenses committed on or after January 1, 1995, substituted "chief judge" for "registrar" in subdivisions (8), (10), (11), and (12).

ARTICLE 22A.

Regulating Contributions and Expenditures in Political Campaigns.

Part 1. In General.

§ 163-278.6. Definitions.

Local Modification. — Town of Carrboro: 1993 (Reg. Sess., 1994), c. 660, s. 2.

For additional local modification to this section, see the main pamphlet.

§ 163-278.8. Detailed accounts to be kept by political treasurers.

(a) The treasurer of each candidate, political committee, and referendum committee shall keep detailed accounts, current within not more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate, political committee, or referendum committee.

(b) Accounts kept by the treasurer of a candidate, political committee, or referendum committee or the accounts of a treasurer or political committee at any bank or other depository listed under G.S. 163-278.7(b)(7), may be inspected, before or after the election to which the accounts refer, by a member, designee, agent, attorney or employee of the Board who is making an investigation pursuant to G.S. 163-278.22.

(c) A treasurer may not accept a contribution of more than one hundred dollars ($100.00) from a nonresident of this State unless the contribution is accompanied by a written statement setting forth the name and address of each contributor.

(d) A treasurer shall not be required to report the name of any individual who is a resident of this State who makes a total contribution of one hundred dollars ($100.00) or less but he shall instead report the fact that he has received a total contribution of one hundred dollars ($100.00) or less, the amount of the contribution, and the date of receipt. If a treasurer receives contributions of one hundred dollars ($100.00) or less, each at a single event, he may account for and report the total amount received at that event, the date and place of the event, the nature of the event, and the approximate number of people at the event. With respect to the proceeds of sale of services, campaign literature and materials, wearing apparel, tickets or admission prices to campaign events such as rallies or dinners, and the proceeds of sale of any campaign-related services or goods, if the price or value received for any single service or goods exceeds one hundred dollars ($100.00), the treasurer shall account for and report the name of the individual paying for such services or goods, the amount received, and the date of receipt, but if the price or value received for any single service or item of goods does not exceed one hundred dollars ($100.00), the treasurer may report only those services or goods rendered or sold at a value that does not exceed one hundred dollars ($100.00), the nature of the services or goods, the amount received in the aggregate for the services or goods, and the date of the receipt.

(e) All expenditures for media expenses shall be made by check only. All media expenditures in any amount shall be accounted for and reported individually and separately.

(f) All expenditures for nonmedia expenses (except postage) of more than fifty dollars ($50.00) shall be made by check only. All expenditures for nonmedia expenses of fifty dollars ($50.00) or less may be made by check or by cash payment. All nonmedia expenditures of more than fifty dollars ($50.00) shall be accounted for and reported individually and separately, but expenditures of less than fifty dollars ($50.00) may be accounted for and reported in an aggregated amount, but in that case the treasurer shall account for and report that he made expenditures of less than fifty dollars ($50.00) each, the amounts, dates, and the purposes for which made. In the case of a nonmedia expenditure required to be accounted for individually and separately by this subsection, if the expenditure was to an individual, the report shall list the name and address of the individual.

(g) All proceeds from loans shall be recorded separately with a detailed analysis reflecting the amount of the loan, the source, the period, the rate of interest, and the security pledged, if any, and all makers and endorsers. (1973, c. 1272, s. 1; 1977, c. 635, s. 1; 1979, c. 1073, ss. 16, 20; 1981, c. 814, s. 1; 1985, c. 353, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 744, s. 1.)

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to the reporting of all contributions accepted on or after that date and to all reports filed on or after January 1, 1995, but only to the extent that they describe contributions accepted on or after January 1, 1995, in subsection (d), in the first sentence, inserted "individual who is a".

§ 163-278.9. Statements filed with Board.

(a) The treasurer of each candidate and of each political committee shall file under verification with the Board the following reports:

(1) Organizational Report. — The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files his notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law.

(2) Preprimary Report. — The treasurer shall file a report with the Board no later than the tenth day preceding the primary election.

(3) Postprimary Report(s). — The treasurer shall file a report with the Board no later than the 30th day after the primary election if the candidate was eliminated in the primary. If there is a second primary, the treasurer shall file a report with the Board no later than the 30th day after the second primary election if the candidate was eliminated in the second primary.

(4) Preelection Report. — The treasurer shall file a report with the Board not later than the tenth day preceding the general election.

(5) Repealed by Session Laws 1985, c. 164, s. 1.

(6) Annual Reports. — If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by the last Friday in January of the following year.

(b) Except as otherwise provided in this Article, each report shall be current within seven days prior to the date the report is due and shall list all contributions received and expenditures made which have not been previously reported.

(c) Repealed by Session Laws 1985, c. 164, s. 6.1.

(d) Candidates and committees for municipal offices in a city with a population of 50,000 or greater, which are required to submit reports by G.S. 163-278.6(18) are not subject to subsections (a), (b) and (c) of this section. Reports for those candidates and committees are covered by Part 2 of this Article.

(e) Notwithstanding subsections (a) through (c) of this section, any political party (including a State, district, county, or precinct committee thereof) which is required to file reports under those subsections and under the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 434), shall instead of filing the reports required by those subsections, file with the State Board of Elections:

(1) The organizational report required by subsection (a)(1) of this section, and

(2) A copy of each report required to be filed under 2 U.S.C. 434, such copy to be filed on the same day as the federal report is required to be filed.

(f) Any report filed under subsection (e) of this section may include matter required by the federal law but not required by this Article.

(g) Any report filed under subsection (e) of this section must contain all the information required by G.S. 163-278.8 or G.S. 163-278.11, notwithstanding that the federal law may set a higher reporting threshold.

(h) Any report filed under subsection (e) of this section may reflect the cumulative totals required by G.S. 163-278.11 in an attachment, if the federal law does not permit such information in the body of the report.

(i) Any report or attachment filed under subsection (e) of this section must be made under oath. (1973, c. 1272, s. 1; 1975, c. 565, s. 1; 1979, c. 500, ss. 3, 16; c. 730; 1981, c. 837, s. 2; 1985, c. 164, ss. 1, 6-6.2; 1987 (Reg. Sess., 1988), c. 1028, s. 6; 1991 (Reg. Sess., 1992), c. 1032, s. 10A.)

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective July 24, 1992, substituted "no later than the 30th day" for "no later than the tenth day" in two places in subdivision (a)(3).

§ 163-278.13. Limitation on contributions.

(a) No individual or political committee shall contribute to any candidate or other political committee any money or make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(b) No candidate or political committee shall accept or solicit any contribution from any individual or other political committee of any money or any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a contribution to the candidate or to the candidate's treasurer of any amount of money or to make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(d) For the purposes of this section, the term "an election" means any primary, second primary, or general election in which the candidate or political committee may be involved, without regard to whether the candidate is opposed or unopposed in the election.

(e) This section shall not apply to any State, district or county executive committee of any political party. For the purposes of this section only, the term "political party" means only those political parties officially recognized under G.S. 163-96.

(e1) No referendum committee which received any contribution from a corporation, labor union, insurance company, business entity, or professional association may make any contribution to another referendum committee, to a candidate or to a political committee.

(f) **(Effective October 1, 1994 — See editor's note)** Any individual, candidate, political committee, or referendum committee who violates the provisions of this section is guilty of a Class 2 misdemeanor. (1973, c. 1272, s. 1; 1979, c. 1073, ss. 8, 20; 1981, c. 225; 1987, c. 565, s. 15; 1993, c. 539, s. 1113; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in subsection (f).

§ 163-278.13A. No fund-raising from lobbyists for legislators or Council of State members while General Assembly is in regular session.

(a) While the General Assembly is in regular session, none of the following entities may solicit or accept a contribution from, or at the behest or recommendation of, an individual registered as a lobbyist pursuant to Article 9A of Chapter 120 of the General Statutes:

(1) A member of the Council of State; or
(2) A member of the General Assembly; or
(3) A political committee the principal purpose of which is to assist a member or members of the Council of State or General Assembly.

(b) While the General Assembly is in regular session, no individual registered as a lobbyist under Article 9A of Chapter 120 of the General Statutes may make a contribution to any of the entities listed in subdivisions (1) through (3) of subsection (a) of this section.

(c) This section does not apply to:

(1) Any contribution made to or by a State, county or congressional district executive committee of a political party; or
(2) Any contribution made to or solicited for a political committee that operates on a Statewide basis in conjunction with the executive committee of a political party for the purpose of assisting that party's candidates for Council of State or General Assembly; or
(3) Any contribution made by a member of the Council of State or General Assembly to a political committee the principal purpose of which is to assist himself; or
(4) Any contribution made to or any solicitation for a nonprofit organization under 26 U.S.C. § 501(c); or
(5) Any contribution accepted with the intent that it be used to defray legal or other expenses incurred in connection with the contesting of election results; or

(6) Any contribution to any of the entities listed in subdivisions (1) through (3) of subsection (a) of this section if the member of the Council of State or General Assembly has filed an official notice of candidacy with the appropriate board of elections for any elective office, provided the contribution is for the elective office for which the member has filed.

(d) **(Effective October 1, 1994 — See editor's note)** A violation of this section is a Class 2 misdemeanor, but no individual or person shall be prosecuted under this section for accepting or making a contribution unless the State Board of Elections has notified the individual or person of the apparent violation in writing by certified mail, has given the individual or person an opportunity to return or to request the return of the contribution, and, within 10 days of the receipt of the notification, the individual or person has failed to return or to request the return of the contribution.

(e) For purposes of this section, the General Assembly is in regular session from the date set by law or resolution that the General Assembly convenes until the General Assembly either:

(1) Adjourns sine die; or

(2) Recesses or adjourns for more than 10 days. (1991, c. 740, s. 2; 1993, c. 539, s. 1114; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in subsection (d).

§ 163-278.19. Violations by corporations, business entities, labor unions, professional associations and insurance companies.

(a) **(Effective October 1, 1994 — See editor's note)** Except as provided in G.S. 163-278.19(b), it shall be unlawful for any corporation, business entity, labor union, professional association or insurance company directly or indirectly:

(1) To make any contribution or expenditure (except a loan of money by a national or State bank or federal or State savings and loan association made in accordance with the applicable banking or savings and loan association laws and regulations and in the ordinary course of business) in aid or in behalf of or in opposition to any candidate or political committee in any election or for any political purpose whatsoever;

(2) To pay or use or offer, consent or agree to pay or use any of its money or property for or in aid of or in opposition to any candidate or political committee or for or in aid of any person, organization or association organized or maintained for political purposes, or for or in aid of or in opposition to any candidate or political committee or for any political purpose whatsoever; and

(3) To reimburse or indemnify any person or individual for money or property so used or for any contribution or expenditure so made;

and it shall be unlawful for any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company to aid, abet, advise or consent to any such contribution or expenditure, or for any person or individual to solicit or knowingly receive any such contribution or expenditure. Any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company aiding or abetting in any contribution or expenditure made in violation of this section shall be guilty of a Class 2 misdemeanor, and shall in addition be liable to such corporation, business entity, labor union, professional association or insurance company for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder or member thereof.

(b) It shall, however, be lawful for any corporation, business entity, labor union, professional association or insurance company to communicate with its employees, stockholders or members and their families on any subject; to conduct nonpartisan registration and get-out-the-vote campaigns aimed at their employees, stockholders, or members and their families; or for officials and employees of any corporation, insurance company or business entity or the officials and members of any labor union or professional association to establish, administer, contribute to, and to receive and solicit contributions to a separate segregated fund to be utilized for political purposes, except as provided in G.S. 163-278.20, and those individuals shall be deemed to become and be a political committee as that term is defined in G.S. 163-278.6(14) or a referendum committee as defined in G.S 163-278.6(18b); provided, however, that it shall be unlawful for any such fund to make a contribution or expenditure by utilizing contributions secured by physical force, job discrimination, financial reprisals or the threat of force, job discrimination or financial reprisals, or by dues, fees, or other moneys required as a condition of membership or employment or as a requirement with respect to any terms or conditions of employment, including, without limitation, hiring, firing, transferring, promoting, demoting, or granting seniority or employment-related benefits of any kind, or by moneys obtained in any commercial transaction whatsoever.

(c) **(Effective October 1, 1994 — See editor's note)** A violation of this section is a Class 2 misdemeanor. In addition, the acceptance of any contribution, expenditure, payment, reimbursement, indemnification, or anything of value under subsection (a) shall be a Class 2 misdemeanor.

(d) Whenever a candidate or treasurer is an officer, director, stockholder, attorney, agent, or employee of any corporation, business entity, labor union, professional association or insurance company, and by virtue of his position therewith uses office space and communication facilities of the corporation, business entity, labor union, professional association or insurance company in the normal and usual scope of his employment, the fact that the candidate or treasurer receives telephone calls, mail, or visits in such office which relates to activities prohibited by this Article shall not be considered a violation under this section.

(e) Notwithstanding the prohibitions specified in this Article and Article 22 of this Chapter, a political committee organized under provisions of this Article shall be entitled to receive and the corporation, business entity, labor union, professional association, or insurance company designated on the committee's organizational report as the parent entity of the employees or members who organized the committee is authorized to give reasonable administrative support that shall include, but not be limited to, record keeping, computer services, billings, mailings to members of the committee, and such other support as is reasonably necessary for the administration of the committee.

The approximate cost of any record keeping, computer services, billings, mailings, office supplies, and office space provided on a continuing basis shall be submitted to the committee, in writing, and the committee shall include that cost on the annual report required by G.S. 163-278.9(a)(6). Also included in the report shall be the approximate allocable portion of the compensation of any officer or employee of the corporation, business entity, labor union, professional association, or insurance company who has devoted more than thirty-five percent (35%) of his time during normal business hours of the corporation, business entity, labor union, professional association, or insurance company during the period covered by the required report. The approximate cost submitted by the parent corporation, business entity, labor union, professional association, or insurance company shall be entered on the committee's annual report as the final entry on its list of "contributions" and a copy of the written approximate cost received by it shall be attached.

The administrative support given by a corporation, business entity, labor union, professional association, or insurance company shall be designated on the books of the corporation, business entity, labor union, professional association, or insurance company as such and may not be treated by it as a business deduction for State income tax purposes. (1973, c. 1272, s. 1; 1975, c. 565, s. 6; 1979, c. 517, ss. 1, 2; 1985, c. 354; 1987, c. 113, s. 3; c. 565, s. 16; 1993, c. 539, ss. 1115, 1116; c. 553, s. 69; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — Session Laws 1993, c. 539, ss. 1116, 1117, effective October 1, 1994, and applicable to offenses occurring on or after that date, in the last sentence of subsection (a) substituted "Class 2 misdemeanor" for "misdemeanor as hereinafter set out"; and in subsection (c), in the first sentence inserted "Class 2" preceding "misdemeanor," and in the second sentence substituted "Class 2 misdemeanor" for "unlawful and the defendant shall be subject to the same punishment as set forth in this subsection."

Session Laws 1993, c. 553, s. 69, effective July 24, 1993, in the first sentence of the second paragraph of subsection (e), substituted "G.S. 163-278.9(a)(6)" for "G.S. 163-278.9(a)-(e)."

§ 163-278.20. Disclosure before soliciting contributions.

(a) It shall be unlawful for one or more individuals acting in concert, or for any group, committee, club or organization, of any type or nature, of two or more individuals, to solicit, attempt to solicit, or receive contributions for the purpose of supporting a candidate, political committee, referendum committee, or political party without first clearly advising those solicited as follows:

(1) The name of the candidate(s) for whom the contribution will be used; or

(2) The name of the political committee or party for which the funds will be used; or

(3) That a decision will be reached later as to the candidate(s), political committee(s), or political party(ies) to be supported and that the contributions solicited will be expended in a manner and for a purpose to be determined at a future date but no later than 20 days prior to the pending primary or general election; or

(4) The name of the referendum committee for which the funds will be used.

(b) **(Effective October 1, 1994 — See editor's note)** A violation of this section is a Class 2 misdemeanor. (1973, c. 1272, s. 1; 1979, s. 1073, ss. 10, 19; 1989, c. 94; 1993, c. 539, s. 1117; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. —

The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in subsection (b).

§ 163-278.27. Penalty for violations; duty to report and prosecute.

(a) **(Effective October 1, 1994 — See editor's note)** Any individual, candidate, political committee, referendum committee, treasurer, person or media who violates the provisions of G.S. 163-278.7, 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16, 163-278.17, 163-278.18, 163-278.40A, 163-278.40B, 163-278.40C, 163-278.40D or 163-278.40E is guilty of a Class 2 misdemeanor.

(b) Whenever the Board has knowledge of or has reason to believe there has been a violation of any section of this Article, it shall report that fact, together with accompanying details, to the following prosecuting authorities:

(1) In the case of a candidate for nomination or election to the State Senate or State House of Representatives: report to the district attorney of the prosecutorial district in which the candidate for nomination or election resides;

(2) In the case of a candidate for nomination or election to the office of Governor, Lieutenant Governor, Secretary of

State, State Auditor, State Treasurer, State Superintendent of Public Instruction, State Attorney General, State Commissioner of Agriculture, State Commissioner of Labor, State Commissioner of Insurance, and all other State elective offices, Justice of the Supreme Court, Judge of the Court of Appeals, judge of a superior court, judge of a district court, and district attorney of the superior court: report to the district attorney of the prosecutorial district in which Wake County is located;

(3) In the case of an individual other than a candidate, including, without limitation, violations by members of political committees, referendum committees or treasurers: report to the district attorney of the prosecutorial district in which the individual resides; and

(4) In the case of a person or any group of individuals: report to the district attorney or district attorneys [of] the prosecutorial district or districts in which any of the officers, directors, agents, employees or members of the person or group reside.

(c) Upon receipt of such a report from the Board, the appropriate district attorney shall prosecute the individual or persons alleged to have violated a section or sections of this Article. (1973, c. 1272, s. 1; 1979, c. 500, s. 10; c. 1073, ss. 15, 19; 1981, c. 837, s. 4; 1987, c. 565, s. 17; 1993, c. 539, s. 1118; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor" in subsection (a).

Part 2. Municipal Campaign Reporting.

§ 163-278.40. Definitions.

Local Modification. — Town of Carrboro: 1993 (Reg. Sess., 1994), c. 660, s. 2.

For additional local modifications to this section, see the main pamphlet.

ARTICLE 22B.

Appropriations from the North Carolina Political Parties Financing Fund.

§ 163-278.42. Distribution of campaign funds; legitimate expenses permitted.

(a) In a general election year in which a presidential election is held, every State chairman of a political party shall disburse fifty percent (50%) of all funds received from the North Carolina Political Parties Financing Fund to that political party. The remaining fifty percent (50%) of such funds shall be allocated by the special committee established by subsection (d) of this section and used for one or more of the purposes permitted by subsection (e) of this section. Any candidate may elect to decline in whole or in part any funds that the party chooses to distribute to the candidate.

(b) In a general election year in which there is not a presidential election, every State chairman of a political party shall disburse fifty percent (50%) of all funds received from the Political Parties Fund to that political party. The remaining fifty percent (50%) of such funds shall be allocated by the special committee established in subsection (d) of this section and used for one or more of the purposes permitted by subsection (e) of this section. Any candidate may elect to decline in whole or in part any funds that the party chooses to distribute to the candidate.

(c) In each year in which no general election is held, every State chairman of a political party shall disburse all funds received from the Political Parties Fund to that political party.

(d) The allocation of the remaining fifty percent (50%) of the funds under subsections (a) or (b) of this section shall be made by a committee composed of the State Chairman of that political party, the Treasurer of that party, the Congressional District Chairmen of that party, and two persons appointed by the State Chairman of that party, and the State Chairman shall serve as Chairman of this committee. The allocation of funds shall be in the sole discretion of the committee, but must be for a purpose permitted by subsection (e) of this section and if allocated to a candidate, shall be disbursed by the State Chairman of that party only to the Treasurer of that candidate or committee appointed under Article 22A of this Chapter or under the Federal Election Campaign Act of 1971, Chapter 14 of Title 2, United States Code.

(e) A political party shall expend funds distributed from the Political Parties Fund or from the "Presidential Election Year Candidates Fund" only for legitimate campaign expenses. By way of illustration but not by way of limitation, the following are examples of legitimate campaign expenses:

(1) Radio, television, newspaper, and billboard advertising for and on behalf of a political party or candidate;
(2) Leaflets, fliers, buttons, and stickers;
(3) Campaign staff salaries, provided each staff member is listed by name and by the amount paid as salary and the amount paid as campaign expense reimbursement;
(4) Travel expenses, lodging and food for candidate and staff;
(4a) Expenses to ensure compliance with federal and State campaign finance and reporting laws;

(4b) Contributions to or expenses on behalf of candidates of that political party;

(5) Party headquarters operations related to upcoming general elections, including the purchase, maintenance and programming of computers to provide lists of voters, party workers, officers, committee members and participants in party functions, patterns of voting and other data for use in general election campaigns and party activities and functions prior thereto, the establishment and updating computer file systems of voter registration lists, State, district, county and precinct officers and committee member lists, party clubs or organization lists, the organizing of voter registration, fund raising and get-out-the-vote programs at the county level when conducted by State party personnel, and the preparation of reports required to be filed by State and federal laws and systems needed to prepare the same and keep records incident thereto.

(f) All moneys and funds previously designated by taxpayers being held by the North Carolina Secretary of Revenue and being held by the North Carolina State Treasurer which moneys and funds have not been disbursed or delivered to a political party as of June 16, 1978, when disbursed shall be allocated by the State Chairman of the political party as follows: sixty-two and one-half percent (62 ½%) of such funds to the political party for legitimate general election campaign expenditures; thirty-seven and one-half percent (37 ½%) to the eligible candidates as determined by the committee established under this Article.

(g) It shall be unlawful for any political party to use either directly or indirectly any part of funds distributed from the Political Parties Fund or the Presidential Election Year Candidates Fund of any political party for the support or assistance either directly or indirectly of any candidate in a primary election, for support or assistance relating to the selection of a candidate at a political convention or by the executive committee of a party, for the payment or repayment of any debt or obligation of whatsoever kind or nature incurred by any person, candidate or political committee in a primary election, the selection of a candidate at a political convention or by the executive committee of a party, or for the support, promotion or opposition of a national, State or local referendum, bond election or constitutional amendment. (1977, 2nd Sess., c. 1298, s. 2; 1983, c. 700, ss. 1-4; 1985 (Reg. Sess., 1986), c. 866; 1987 (Reg. Sess., 1988), c. 1063, s. 3; 1991, c. 397, s. 1; c. 636, s. 20(b); 1991 (Reg. Sess., 1992), c. 1032, s. 10B; 1993, c. 553, s. 70.)

Effect of Amendments. —

The 1991 (Reg. Sess., 1992) amendment, effective July 24, 1992, substituted "A political party shall expend funds distributed from the Political Parties Fund or from the 'Presidential Election Year Candidates Fund' only for" for "Funds distributed from the Political Parties Fund or from the 'Presidential Election Year Candidates Fund' of a political party shall only be expended for" in the first sentence of subsection (e), and deleted "person, candidate, political committee or" following "shall be unlawful for any" near the beginning of subsection (g).

The 1993 amendment, effective July 24, 1993, substituted a semicolon for a colon at the end of subdivision (e)(1).

§ 163-278.43. Annual report to State Board of Elections; suspension of disbursements; willful violations a misdemeanor; adoption of rules; reporting by candidates and political committees.

(a) The State chairman of each political party receiving funds from the Political Parties Fund or the Presidential Election Year Candidates Fund or both shall maintain a full and complete record of the party's receipts and any and all subsequent expenditures and disbursements thereof, and such shall be substantiated by any records, receipts, and information that the Executive Director of the State Board of Elections shall require. Such record shall be centrally located and shall be readily available at reasonable hours for public inspection.

(b) By December 31 of each year, the State chairman of each political party receiving funds from the Political Parties Fund or a Presidential Election Year Candidates Fund in the 12 preceding months shall file with the State Board of Elections an itemized statement reporting all receipts, expenditures and disbursements from the date of the last report and attached to such report shall be the verification of such chairman that all such funds received were expended in accordance with the provisions of this Article. If the Executive Secretary of the State Board of Elections determines and finds as a fact that any such funds were not disbursed or expended in accordance with this Article, he shall order such political party to reimburse the amount improperly expended or disbursed to the General Fund of the State and such political party shall not receive further disbursements from the Political Parties Fund or a Presidential Election Year Candidates Fund until such reimbursement has been accomplished in full. A copy of any such order shall be forwarded to the State Treasurer, which shall constitute notice to him to suspend further disbursements from the campaign fund.

(c) Repealed by Session Laws 1985, c. 259.

(c1) The State Board shall review each application and certify that the political party is eligible to receive the funds requested. The State Board shall establish rules for the administration and enforcement of this Article.

(c2) The treasurer of any political committee or candidate receiving any funds from the Political Parties Fund or a Presidential Election Year Candidates Fund through a political party shall report such receipts as contributions according to the method and timetable set forth in Article 22A of this Chapter. The treasurer shall report disbursements of such funds as expenditures or loans according to the method and timetable set forth in Article 22A of this Chapter. The reports shall be made to the proper board of elections according to Article 22A of this Chapter. There is no requirement that a candidate or a political committee other than a political party shall maintain funds from the Political Parties Fund or a Presidential Election Year Candidates Fund in a separate account.

(d) Repealed by Session Laws 1985, c. 259. (1977, 2nd Sess., c. 1298, s. 2; 1979, c. 926, s. 1; 1985, c. 259; 1987 (Reg. Sess., 1988), c. 1063, s. 3; 1991, c. 347, s. 2; c. 397, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 10C.)

Effect of Amendments. —

The 1991 (Reg. Sess., 1992) amendment, effective July 24, 1992, added "reporting by candidates and political committees" in the catchline, in subsection (a), in the first sentence deleted "and the treasurer of each candidate or political committee" preceding "receiving funds", and substituted "the parties receipts" for "their receipts", and deleted the former last sentence which read: "Treasurers of political committees and candidates shall maintain all such funds received from the Political Parties Fund or a Presidential Election Year Candidates Fund or both in a separate account, and shall not allow the same to be comingled with the funds from any other source"; in subsection (b), in the first sentence deleted "and the treasurer of all other political committees or candidates receiving any such funds" preceding "in the 12 preceding months", and deleted "or treasurer" following "verification of such chairman", substituted "party" for "party, political committee or candidate" in two places in the second sentence; and added subsection (c2).

§ 163-278.44. (Effective October 1, 1994 — See editor's note) Crime; punishment.

Any individual person, candidate, political committee, or treasurer who willfully and intentionally violates any of the provisions of this Article, shall be guilty of a Class 2 misdemeanor. (1977, 2nd Sess., c. 1298, s. 2; 1987, c. 565, s. 18; 1993, c. 539, s. 1119; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted "Class 2" preceding "misdemeanor".

ARTICLE 22C.

Appropriations from the North Carolina Candidates Financing Fund.

(This Article is effective January 1, 1996)

§ 163-278.53. (Effective January 1, 1996) Criminal punishment.

Any individual, person, candidate, political committee, or treasurer who willfully and intentionally violates any of the provisions of this Article, shall be guilty of a Class I felony. (1987 (Reg. Sess., 1988), c. 1063, s. 1; 1991, c. 397, s. 1; 1993, c. 539, s. 1325; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. —

Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. — Session Laws 1993, c. 539, s. 1325 amends this section, effective October 1, 1994, and applicable to offenses occurring on or after that date, by substituting "Class I felony" for "Class J felony".

SUBCHAPTER IX. MUNICIPAL ELECTIONS.

ARTICLE 23.

Municipal Election Procedure.

§ 163-279. Time of municipal primaries and elections.

Local Modification. — Rockingham: 1993, c. 15, s. 2; city of Albemarle: 1987 (Reg. Sess., 1988), c. 881, s. 3; (As to Article 23) Charlotte-Mecklenburg Board of Education: 1993, c. 167.

For additional local modifications to this section, see the main pamphlet.

§ 163-280. Municipal boards of elections.

(a) In each city that is authorized and elects to conduct its own elections in the manner provided by G.S. 163-285, there shall be a municipal board of elections consisting of three persons of good moral character who are registered voters of the city. Members of the municipal board of elections shall be appointed by the city council at its regularly scheduled meeting held next before June 1 in each year preceding each regular municipal primary or election, and their terms of office shall be for two years beginning June 1 and until their successors are appointed and qualify. In municipalities where there are registered voters of more than one party, not more than two members of the municipal board of elections shall belong to the same political party, if the municipal officers are elected on a nonpartisan or partisan basis.

No person shall serve as a member of a municipal board of elections who holds any elective office, who is a candidate for any elective public office, who is a member of a county board of elections, or who is serving as campaign manager for any candidate in any election.

(b) On the Monday before the filing period opens for elections in that municipality, the newly appointed members of the municipal board of elections shall meet at the city hall or some other place specified by the city council and shall take the following oath of office:

> "I ...., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of

the .... municipal board of elections to the best of my knowledge and ability, according to law. So help me, God."

After each member has taken the oath, the board shall organize by electing one of its members chairman and another member secretary of the board.

(c) On the Monday following the seventh Saturday before each regular municipal primary or election, the municipal board of elections shall meet and appoint precinct chief judges and judges of elections. The municipal board of elections may then or at any time thereafter appoint a supervisor of elections, who shall have all of the powers and duties of a supervisor of elections to a county board of elections. The board may hold other meetings at such times and places as the chairman of the board, or any two members thereof, may direct, for the performance of duties prescribed by law. A majority of the members shall constitute a quorum for the transaction of business.

(d) The municipal board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office if there be one, otherwise, the minute book shall remain in the custody of the secretary of the board.

(e) The compensation of members of the municipal board of elections shall be fixed by the city council.

(f) Municipal boards of elections shall have, with respect to municipal elections, all of the powers conferred on county boards of elections by G.S. 163-33 and G.S. 163-34 with respect to national, State, district, and county elections.

(g) No municipal, county, State or national chairman of any political party shall have the right to recommend to the city council the names of any person for appointment to membership on a municipal board of elections.

(h) Whenever a vacancy occurs in the membership of any municipal board of elections for any cause, the appointing city council shall fill the vacancy within 30 days of when it occurs.

(i) The city council with power to appoint a member of a municipal board of elections or the State Board of Elections may remove a member of a municipal board of elections for incompetency, neglect or failure to perform duties, fraud, or any other satisfactory cause. Before exercising this removal power, the city council or the State Board of Elections shall notify the municipal board member affected and give him an opportunity to be heard. (1971, c. 835, s. 1; 1973, c. 793, ss. 75-79; c. 1223, s. 8; 1975, c. 19, s. 70; 1977, c. 626, s. 1; 1983, c. 644, s. 3; 1985, c. 599, s. 4; c. 768, s. 27; 1993 (Reg. Sess., 1994), c. 762, s. 59.)

Editor's Note. —

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "chief judges" for "registrars" in the first sentence of subsection (c).

§ 163-281. Municipal precinct election officials.

(a) Chief Judges and Judges. — At the meeting required by G.S. 163-280(c), the municipal board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in the city. Not more than one judge in each precinct where there are registered voters of more than one political party shall belong to the same political party as the chief judge, if the municipal elections are on a nonpartisan or partisan basis. If the city and county precincts are identical and the board so chooses, it may decline to exercise its power to appoint precinct chief judge and judges, in which event the persons appointed by the county board of elections as precinct chief judge and judges in each precinct within the city shall serve as such for municipal elections under authority and subject to the supervision and control of the municipal board of elections. Nothing herein shall prohibit a municipal board of elections from using the chief judge and judges of election appointed by the county board of elections in those precincts which are not identical provided the county board of elections agrees, in writing, to such arrangement. Chief judges and judges shall be appointed for terms of two years. Except as modified by this Article, municipal precinct chief judge and judges shall meet all of the qualifications, perform all the duties, and have all of the powers imposed and conferred on county precinct chief judge and judges by G.S. 163-41(a), 163-47, and 163-48. Municipal precinct chief judge and judges shall not have the powers and duties with respect to registration of voters prescribed by G.S. 163-47(b). Immediately after appointing chief judge and judges as herein provided, the municipal board of elections shall publish the names of the persons appointed in some newspaper having a general circulation in the city, or in lieu thereof, by posting at the city hall or some other prominent place within the city, and shall notify each person appointed of his appointment. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

(b) Assistants at Polls. — Municipal boards of elections shall have the same authority to appoint assistants to aid the chief judge and judges as is conferred on county boards of elections by G.S. 163-42.

(c) Ballot Counters. — Municipal boards of elections shall have the same authority to appoint ballot counters as is conferred on county boards of elections by G.S. 163-43.

(d) Markers. — Municipal boards of elections shall not appoint markers, and markers shall not be used in municipal elections.

(e) Observers. — In cities holding partisan municipal elections, the chairman of each political party in the county shall have the same authority to appoint observers for municipal elections as he has for county elections under G.S. 163-45.

(f) Compensation. — Precinct officials and assistants appointed under this section shall be paid such sums as the city council may fix. County precinct officials and assistants serving in municipal elections in default of appointment of precinct officials by the municipal board of elections shall be compensated by the city in the sums specified in G.S. 163-46.

(g) Party Chairman Not to Recommend Persons for Appointment. — No municipal, county, State or national chairman of any political party shall have the right to recommend to the municipal board of elections the name of any person for appointment as a precinct chief judge, judge of elections, assistant or ballot counter.

(h) Designation of Precincts in Which Officials to Serve. — The municipal board of elections may designate the precinct in which each chief judge, judge, assistant, ballot counter, or observer or other officers of elections shall serve; and, after notice and hearing, may remove any chief judge, judge, assistant, ballot counter, observer, supervisor of elections or other officers of elections appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause.

(i) Powers and Duties. — Except as otherwise provided in this Chapter, precinct assistants, ballot counters, observers, and supervisors of elections and other officers of elections appointed by the municipal board of elections shall have the same powers and duties with respect to municipal elections as precinct assistants, ballot counters, observers, and supervisors of elections and other officers of elections appointed by county boards of elections. (1971, c. 835, s. 1; 1973, c. 793, ss. 80-83, 94; c. 1223, s. 9; 1977, c. 626, s. 1; 1989, c. 93, s. 8; 1993 (Reg. Sess., 1994), c. 762, s. 60.)

Editor's Note. —

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 61, effective January 1, 1995, provides: "Any person who on December 31, 1994, was a registrar under G.S. 163-41 shall be a chief judge under G.S. 163-41."

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "Chief judges" for "Registrars" in the subsection (a) catch line and in the fifth sentence of subsection (a), and substituted "chief judge" for "registrar" throughout subsections (a), (b), (g), and (h).

§ 163-283. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

(1) Is a registered voter, and

(2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-116 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age or residence to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered, provided however, under full-time and permanent registration, such an individual may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. (1971, c. 835, s. 1; 1983, c. 331, s. 5; 1987, c. 408, s. 5; c. 457, s. 2; 1991 (Reg. Sess., 1992), c. 1032, s. 8; 1993 (Reg. Sess., 1994), c. 762, s. 62.)

Editor's Note. — This section becomes effective with respect to elections occurring on or after July 1, 1993. For this section as in effect until then, see the main volume.

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective with respect to elections occurring on or after July 1, 1993, substituted "last day for making application to register under G.S. 163-67" for "21st day" in the first sentence of the last paragraph.

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "G.S. 163-116" for "G.S. 163-74(a1)" in the second paragraph and "G.S. 163-82.6(c)" for "G.S. 163-67" in the third paragraph.

§ 163-285. Administration by county board of elections; optional by municipality.

Any city, town or incorporated village which conducts its elections on a nonpartisan basis may conduct its own elections, or it may request the county board of elections of the county in which it is located to conduct its elections. A county board of elections shall conduct the elections of each city, town or incorporated village so requesting and the city, town or incorporated village shall pay the cost thereof according to a formula mutually agreed upon by the county board of elections and the city council. If a mutual agreement cannot be reached, then the State Board of Elections shall prescribe the agreement, to which both parties are bound, or, in its discretion, the State Board of Elections shall have authority to instruct the county board of elections to decline the administration of the elections for such city, town or incorporated village.

(1) The elections of cities, towns or incorporated villages which lie in more than one county shall be conducted either (i) by the county in which the greater number of the city's citizens reside, according to the most recent federal census of population, or (ii) jointly by the boards of elections of each county in which such city, town or incorporated village is located, as may be mutually agreed upon by the county boards of elections so affected, or (iii) by a municipal board of elections appointed by the governing body of the municipality. The State Board of Elections shall have authority to promulgate regulations for more detailed administration

and conduct of municipal elections by county or municipal boards of elections for cities situated in more than one county.

(2) Any city, town or incorporated village electing to have its elections conducted by the county board of elections as provided by this section, shall do so no later than January 1, 1973 provided, however, the county board of elections shall be entitled to 90 days' notice prior to the effective date decided upon by the municipality. For efficient administration the State Board of Elections shall have the authority to delay the effective date of all such agreements under this section and shall set a date certain on which such agreements shall commence. The State Board of Elections shall also have the authority to permit any city, town or incorporated village to exercise the options under this Article subsequent to the deadline stated in this section.

(3) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 63, effective January 1, 1995. (1971, c. 835, s. 1; 1973, c. 171; 1993 (Reg. Sess., 1994), c. 762, s. 63.)

Editor's Note. —

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, repealed subdivision (3), relating to the appointment and duties of a city registrar.

§ 163-286. Conduct of municipal and special district elections; application of Chapter 163.

(a) To the extent that the laws, rules and procedures applicable to the conduct of primary, general and special elections by county boards of elections under Articles 3, 4, 5, 6, 7A, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with provisions of this Article, those laws, rules and procedures shall apply to municipal and special district elections and their conduct by the board of elections conducting those elections. The State Board of Elections shall have the same authority over all such elections as it has over county and State elections under those Articles.

(b) Any city, town or incorporated village which elects to conduct its own elections, under the provisions of G.S. 163-285, shall comply with the requirements contained in G.S. 163-280 and G.S. 163-281. (1971, c. 835, s. 1; 1973, c. 793, s. 85; 1993 (Reg. Sess., 1994), c. 762, s. 64.)

Editor's Note. —

Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "7A" for "7" in the list of Articles in the first sentence of subsection (a).

§ 163-287. Special elections; procedure for calling.

Any city, whether its elections are conducted by the county board of elections or the municipal board of elections, or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than 45 days prior to the special election. The appropriate board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections. (1971, c. 835, s. 1; 1973, c. 793, s. 86; 1993 (Reg. Sess., 1994), c. 762, s. 65.)

Editor's Note. —
Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "45 days prior to" for "20 days prior to the date on which the registration books or records close for" in the first sentence of the second paragraph.

§ 163-288. Registration for city elections; county and municipal boards of elections.

Regardless of whether the municipal election is conducted by the county board of elections or by a municipal board of elections, the registration record of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national. (1971, c. 835, s. 1; 1973, c. 793, s. 87; 1981, c. 33, s. 5; 1991 (Reg. Sess., 1992), c. 1032, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 66.)

Editor's Note. —
Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective with respect to elections occurring on or after July 1, 1993, substituted "last day for making application to register under G.S. 163-67" for "twenty-first day before each municipal election (excluding Saturdays and Sundays)" in the second sentence of subdivision (c)(3).

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, rewrote this section.

§ 163-288.2. Registration in area proposed for incorporation or annexed.

(a) Whenever the General Assembly incorporates a new city and provides in the act of incorporation for a referendum on the question of incorporation or for a special election for town officials or for both, or whenever an existing city or special district annexes new territory under the provisions of Chapter 160A, Article 4A, or other general or local law, the board of elections of the county in which the proposed city is located or in which the newly annexed territory is located shall determine those individuals eligible to vote in the referendum or special election or in the city or special district elections. In determining the eligible voters the board may, in its discretion, use either of the following methods:

METHOD A. — The board of elections shall prepare a list of those registered voters residing within the proposed city or newly annexed territory. The board shall make this list available for public inspection in its office for a two-week period ending on the twenty-fifth day before the day of the referendum or special election, or the next scheduled city or special district election. During this period, any voter resident within the proposed city or newly annexed territory and not included on the list may cause his name to be added to the list. At least one week and no more than two weeks before the day the period of public inspection is to begin, the board shall cause notice of the list's availability to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper of general circulation within the county. The notice shall state that the list has been prepared, that only those persons listed may vote in the referendum or special election, that the list will be available for public inspection in the board's office, that any qualified voter not included on the list may cause his name to be added to the list during the two-week period of public inspection, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

METHOD B. — The board of elections shall conduct a special registration of eligible persons desiring to vote in the referendum or special election or in the newly annexed territory. The registration records shall be open for a two-week period (except Sundays) ending on the twenty-fifth day before the day of the referendum or special election or the next scheduled city or special district election. On the two Saturdays during that two- week period, the records shall be located at the voting place for the referendum or special election or the next scheduled city or special district election; on the other days it may, in the discretion of the board, be kept at the voting place, at the office of the board, or at the place of business of a person designated by the board to conduct the special registration. At least one week and no more than two weeks before the day the period of special registration is to begin, the board shall cause notice of the registration to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper of general circulation within the county. The notice shall state the purpose and times of the special registration, the location of the registration records, that only those persons registered in the special registration may vote in the referendum or special election, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

(b) Only those persons registered pursuant to this section may vote in the referendum or special election, provided, however, that in cases where voters are activated under either Method A or B to vote in a city or special district that annexes territory, the city or special district shall permit them to vote in the city or special district's election and shall, as well, permit other voters to vote in such elections who did not register under the provisions of this section if they are otherwise registered, qualified and eligible to vote in the same. (1973, c. 551; 1977, c. 752, s. 2; 1981, c. 33, s. 6; 1989, c. 93, s. 9; 1991 (Reg. Sess., 1992), c. 1032, s. 9; 1993 (Reg. Sess., 1994), c. 762, s. 67.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. —

The 1991 (Reg. Sess., 1992) amendment, effective with respect to elections occurring on or after July 1, 1993, substituted "last day for making application to register under G.S. 163-67" for "twenty-first day (excluding Saturdays and Sundays)" in the second sentences of the second and third paragraphs in subsection (a).

The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "twenty-fifth day" for "last day for making application to register under G.S. 163-67" in the second sentence of METHOD A and the second sentence of METHOD B, both in subsection (a).

ARTICLE 24.

Conduct of Municipal Elections.

§ 163-291. Partisan primaries and elections.

Local Modification. — (As to Article 24) Charlotte-Mecklenburg Board of Education: 1993, c. 167.

For additional local modifications to this section, see the main pamphlet.

§ 163-293. Determination of election results in cities using the election and runoff election method.

Local Modification. — City of Reidsville: 1993, c. 306, s. 2.

For additional local modifications to this section, see the main pamphlet.

Editor's Note. — Session Laws 1993, c. 306, s. 3 provides that the act is effective upon ratification (July 8, 1993) and shall be implemented beginning with the regular 1993 city election, provided it has been precleared by August 5, 1993, pursuant to Section 5 of the federal Voting Rights Act. If the new election method was not precleared by August 5, 1993, the 1993 election shall be conducted according to the current at-large election method.

§ 163-294.2. Notice of candidacy and filing fee in nonpartisan municipal elections.

CASE NOTES

Cited in Farnsworth v. Jones, 114 N.C. App. 182, 441 S.E.2d 597 (1994).

§ 163-295. Municipal and special district elections; application of Chapter 163.

To the extent that the laws, rules and procedures applicable to the conduct of primary, general or special elections by county boards of elections under Articles 3, 4, 5, 6, 7A, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with the provisions of this Article, those laws, rules and procedures shall apply to municipal and special district elections and their conduct by the board of elections conducting those elections. The State Board of Elections shall have the same authority over all such elections as it has over county and State elections under those Articles. (1971, c. 835, s. 1; 1973, c. 793, s. 91; 1993 (Reg. Sess., 1994), c. 762, s. 68.)

Editor's Note. — Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 73 provides, in part: "Prosecutions for, or sentences based on, offenses occurring before the effective date of any section of this act are not abated or affected by this act and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences."

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective January 1, 1995, and applicable to all primaries and elections occurring on or after that date, substituted "7A" for "7" in the list of articles in the first sentence.

§ 163-302. Absentee voting.

(a) In any municipal election, including a primary or general election or referendum, conducted by the county board of elections, absentee voting may, upon resolution of the municipal governing body, be permitted. Such resolution must be adopted no later than 60 days prior to an election in order to be effective for that election. Any such resolution shall remain effective for all future elections unless repealed no later than 60 days before an election. A copy of all resolutions adopted under this section shall be filed with the State Board of Elections and the county board of elections conducting the election within 10 days of passage in order to be effective. Absentee voting shall not be permitted in any municipal election unless such election is conducted by the county board of elections. In addition, absentee voting shall be allowed in any referendum on incorporation of a municipality.

(b) The provisions of Articles 20 and 21 of this Chapter shall apply to absentee voting in municipal elections, special district elections, and other elections for an area less than an entire county other than elections for the General Assembly, except that the earliest date by which absentee ballots shall be required to be available for absentee voting in such elections shall be 30 days prior to the primary or election or as quickly following the filing deadline specified in G.S. 163-291(2) or G.S. 163-294.2(c) as the county board of elections is able to secure the official ballots. In elections on incorporation of a municipality not held at the same time as another election in the same area, the county board of elections shall adopt a special schedule of meetings of the county board of elections to approve absentee ballot applications so as to reduce the cost of the process, and to further implement the last paragraph of G.S. 163-230(2)a. If no application has been received since the last meeting, no meeting shall be held of the county board of elections under such schedule unless the meeting is scheduled for another purpose. If another election is being held in the same area on the same day, or elsewhere in the county, the cost of per diem for meetings of the county board of elections to approve absentee ballots shall not be considered a cost of the election to be billed to the municipality being created. (1971, c. 835, s. 1; 1975, c. 370, s. 1; c. 836; 1977, c. 475, s. 1; 1983, c. 324, s. 6; 1991 (Reg. Sess., 1992), c. 933, s. 1.)

Local Modification. — Town of Old Fort: 1993, c. 35, s. 1 (effective July 1, 1993 with respect to all elections held on or after July 1, 1993).

For additional local modifications to this section, see the main pamphlet.

Effect of Amendments. — The 1991 (Reg. Sess., 1992) amendment, effective with respect to elections held on or after January 1, 1993, added the last sentence in subsection (a), and added the last three sentences in subsection (b).

Chapter 164.

Concerning the General Statutes of North Carolina.

Article 4.

Sentencing Commission

(This Article expires July 1, 1995).

Sec.

164-38. (Effective until July 1, 1995) Terms of members; compensation; expenses.

ARTICLE 4.

Sentencing Commission.

(This Article expires July 1, 1995)

Editor's Note. — This Article as originally enacted by Session Laws 1989 (Reg. Sess., 1990), c. 1076, was to expire July 1, 1992. This date was subsequently extended to July 8, 1993 by Session Laws 1991 (Reg. Sess., 1992), c. 812, s. 12 and c. 816, s. 1; to August 1, 1993, by Session Laws 1993, c. 253, s. 5.1; to July 1, 1994, by Session Laws 1993, c. 321, s. 200.1; and finally to July 1, 1995, by Session Laws 1993 (Reg. Sess., 1994) c. 591, s. 6(a).

§ 164-38. (Effective until July 1, 1995) Terms of members; compensation; expenses.

The terms of existing members shall expire on June 30, 1995, unless they resign or are removed. Members serving by virtue of elective or appointive office or as designees of such officeholders may serve only so long as the officeholders hold those respective offices. Members appointed by the Speaker of the House and the President Pro Tempore of the Senate may be removed by the appointing authority without cause. Vacancies occurring before the expiration of a term shall be filled in the manner provided for the members first appointed. A member of the Commission may be removed only for disability, neglect of duty, incompetence, or malfeasance in office. Before removal, the member is entitled to a hearing. Effective with respect to members designated on or after July 1, 1992, a person making a designation pursuant to G.S. 164-37 may not make another designation, except that the person's successor in elective or appointive office may make a new designation.

The Commission members shall receive no salary for serving. All Commission members shall receive necessary subsistence and travel expenses in accordance with the provisions of G.S. 120- 3.1, 138-5, and 138-6 as applicable. (1989 (Reg. Sess., 1990), c. 1076, s. 1; 1991 (Reg. Sess., 1992), c. 812, s. 12; c. 816, ss. 1, 3; 1993, c. 253, s. 5.1; c. 321, ss. 200.1(b); 1993 (Reg. Sess., 1994), c. 591, ss. 6(a), (b).)

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective June 30, 1994, in the first sentence substituted "1995" for "1993. New members shall be appointed or the existing members reappointed by the appointing authorities to serve until July 1, 1994."

Chapter 165.

Veterans.

Article 4.
Scholarships for Children of War Veterans.

Sec.
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ARTICLE 4.

Scholarships for Children of War Veterans.

§ 165-20. Definitions.

As used in this Article the terms defined in this section shall have the following meaning:

(1) "Active federal service" means full-time duty in the armed forces other than active duty for training; however, if disability or death occurs while on active duty for training (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war, such active duty for training shall be considered as active federal service.

(2) "Armed forces" means the army, navy, marine corps, air force and coast guard, including their reserve components.

(3) "Child" means a person who has completed high school or its equivalent prior to receipt of a scholarship as may be awarded under this Article, who has complied with the requirements of the Selective Service System, if applicable, and who further meets one of the following requirements:

a. A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into that period of service in the armed forces during which eligibility is established under G.S. 165-22.

b. A veteran's child who was born in North Carolina and has lived in North Carolina continuously since birth. Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the Department of Administration if it is shown to the satisfaction of the Department that the child's mother was a native-born resident of North Carolina and was such resident at the time of her marriage to the veteran and was outside the State temporarily at the time of the child's birth, following which the child was returned to North Carolina within a reasonable period of time where said child has since lived continuously.

c. A person meeting either of the requirements set forth in subdivision (3)a or b above, and who was legally adopted by the veteran prior to said person's reaching the age of 15 years.

(4) "Period of war" and "wartime" shall mean any of the periods or circumstances as defined below:

a. World War I, meaning (i) the period beginning on April 6, 1917 and ending on November 11, 1918, and (ii) in the case of a veteran who served with the United States armed forces in Russia, the period beginning on April 6, 1917 and ending on April 1, 1920.

b. World War II, meaning the period beginning on December 7, 1941 and ending on December 31, 1946.

c. Korean Conflict, meaning the period beginning on June 27, 1950 and ending on January 31, 1955.

d. Vietnam era, meaning the period beginning on August 5, 1964, and ending on May 7, 1975.

d1. Persian Gulf War, meaning the period beginning on August 2, 1990, and ending on the date prescribed by Presidential proclamation or concurrent resolution of the United States Congress.

e. Any period of service in the armed forces during which the veteran parent of an applicant for a scholarship under this Article suffered death or disability (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war.

(5) "Private educational institution" means any junior college, senior college or university which is operated and governed by private interests not under the control of the federal, State or any local government, which is located within the State of North Carolina, which does not operate for profit, whose curriculum is primarily directed toward the awarding of associate, baccalaureate or graduate degrees, which agrees to the applicable administration and funding provisions of G.S. 165-22.1, of this Article, and which is otherwise approved by the State Board of Veterans Affairs.

(6) "State educational institution" means any educational institution of higher learning which is owned and operated by the State of North Carolina, or any community college operated under the provisions of Chapter 115A and Article 3 of Chapter 116 of the General Statutes of North Carolina, or the college program of the North Carolina School of the Arts, or any technical institute operated under the provisions of Chapter 115A of the General Statutes of North Carolina.

(7) "Veteran" means a person who served as a member of the armed forces of the United States in active federal service during a period of war and who was separated from the armed forces under conditions other than dishonorable. A person who was separated from the armed forces under conditions other than dishonorable and whose death or disability was incurred (i) as a direct result of armed conflict or (ii) while engaged in extra-hazardous service, including such service under conditions simulating war, shall also be deemed a "veteran" and such death or disability shall be considered wartime service-connected. (1967, c. 1060, s. 8; 1969, c. 720, s. 3; c. 741, ss. 1, 2; 1971, c. 339; 1973, c. 620, s. 9; c. 755; 1975, c. 160, s. 1; 1977, c. 70, s. 27; 1985, c. 39, s. 2; c. 788; 1989, c. 767, s. 1; 1991, c. 549, s. 1.)

Effect of Amendments. — The 1989 amendment, effective August 11, 1989, substituted "and ending on May 7, 1975" for "and ending on such date as shall be prescribed by Presidential proclamation or concurrent resolution of the Congress" in paragraph (4)d.

The 1991 amendment, effective July 1, 1991, added subdivision (4)d1.

§ 165-21. Scholarship.

A scholarship granted pursuant to this Article shall consist of the following benefits in either a State or private educational institution:

(1) With respect to State educational institutions, unless expressly limited elsewhere in this Article, a scholarship shall consist of:
  a. Tuition,
  b. A reasonable board allowance,
  c. A reasonable room allowance,
  d. Matriculation and other institutional fees required to be paid as a condition to remaining in said institution and pursuing the course of study selected, excluding charges or fees for books, supplies, tools and clothing.

(2) With respect to private educational institutions, a scholarship shall consist of a monetary allowance as prescribed in G.S. 165-22.1(d).

(3) Only one scholarship may be granted pursuant to this Article with respect to each child and it shall not extend for a longer period than four academic years, which years, however, need not be consecutive.

(4) No educational assistance shall be afforded a child under this Article after the end of a 10-year period beginning on the date the scholarship is first awarded. Those persons who have been granted a scholarship under this Article prior to the effective date of this act shall be entitled to the remainder of their period of scholarship eligibility if used prior to August 1, 1999. Whenever a child is enrolled in an educational institution and the period of entitlement ends while enrolled in a term, quarter or semester, such period shall be extended to the end of such term, quarter or semester, but not beyond the entitlement limitation of four academic years. (1967, c. 1060, s. 8; 1969, c. 741, s. 3; 1975, c. 137, s. 1; 1989, c. 767, s. 2.)

Effect of Amendments. — The 1989 amendment, effective August 11, 1989, added subdivision (4).

§ 165-22. Classes or categories of eligibility under which scholarships may be awarded.

A child, as defined in this Article, who falls within the provisions of any eligibility class described below shall, upon proper application be considered for a scholarship, subject to the provisions and limitations set forth for the class under which he is considered:

(1) Class I-A: Under this class a scholarship shall be awarded to any child whose veteran parent

- a. Was killed in action or died from wounds or other causes not due to his own wilful misconduct while a member of the armed forces during a period of war, or
- b. Has died of service-connected injuries, wounds, illness or other causes incurred or aggravated during wartime service in the armed forces, as rated by the United States Department of Veterans Affairs.

(2) Class I-B: Under this class a limited scholarship providing only those benefits set forth in G.S. 165-21(1)a and d and 165-21(2) of this Article, shall be awarded to any child whose veteran parent, at the time the benefits pursuant to this Article are sought to be availed of, is or was at the time of his death receiving compensation for a wartime service-connected disability of one hundred percent (100%) as rated by the United States Department of Veterans Affairs. Provided, that if the veteran parent of a recipient under this class should die of his wartime service-connected condition before the recipient shall have utilized all of his scholarship eligibility time, then the North Carolina Department of Administration shall amend the recipient's award from Class I-B to Class I-A for the remainder of the recipient's eligibility time. The effective date of such an amended award shall be determined by the Department of Administration, but, in no event shall it predate the date of the veteran parent's death.

(3) Class II: Under this class a scholarship may be awarded to not more than 100 children yearly, each of whose veteran parent, at the time the benefits pursuant to this Article are sought to be availed of:

- a. Is or was at the time of his death receiving compensation for a wartime service-connected disability of twenty percent (20%) or more, but less than one hundred percent (100%), as rated by the United States Department of Veterans Affairs, or
- b. Is or was at the time of his death receiving wartime compensation for a statutory award for arrested pulmonary tuberculosis, as rated by the United States Department of Veterans Affairs.

(4) Class III: Under this class a scholarship may be awarded to not more than 100 children yearly, each of whose veteran parent, at the time the benefits pursuant to this Article are sought to be availed of:

- a. Is or was at the time of his death drawing pension for permanent and total disability, nonservice-connected, as rated by the United States Department of Veterans Affairs, or
- b. Is deceased and who does not fall within the provisions of any other eligibility class described in G.S. 165-22(1), (2), (3), (4)a, nor (5) provided such child is less than 23 years of age at the time of application for such scholarship.

(5) Class IV: Under this class a scholarship as defined in G.S. 165-21 shall be awarded to any child whose parent, while serving honorably as a member of the armed forces of the United States in active federal service during a period of war, as defined in G.S. 165-20(4), was listed by the United

States government as (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power. (1967, c. 1060, s. 8; 1973, cc. 197, 577; c. 620, s. 9; 1975, c. 160, s. 2; c. 167, s. 1; 1977, c. 70, s. 27; 1989, c. 767, ss. 3, 4; 1991, c. 549, s. 2.)

Effect of Amendments. — The 1989 amendment, effective August 11, 1989, substituted "twenty percent (20%)" for "thirty percent (30%)" in paragraph (3)a, deleted paragraph (3)c which read "Repealed by Session Laws 1975, c. 160, s. 2"; deleted "is or was at the time of his death drawing pension for permanent and total disability, nonservice-connected, as rated by the United States Veterans Administration" from the introductory sentence of subdivision (4), and added paragraphs (4)a and (4)b.

The 1991 amendment, effective July 1, 1991, substituted "Department of Veterans Affairs" for "Veterans Administration" throughout this section.

Chapter 166A.

Editor's Note. — The legislation and annotations affecting Chapter 166A have been included in a recently published replacement chapter.

Chapter 168.

Handicapped Persons.

Article 1.

Rights.

Sec.
168-2. Right of access to and use of public places.
168-4.5. (Effective October 1, 1994 — See editor's note) Penalty.
168-10. Eliminate discrimination in treatment of handicapped and disabled.

Article 3.

Family Care Homes.

Sec.
168-22. Family care home; zoning and other purposes.

ARTICLE 1.

Rights.

§ 168-1. Purpose and definition.

Legal Periodicals. —

For note on AIDS and employment discrimination, see 23 Wake Forest L. Rev. 305 (1988).

§ 168-2. Right of access to and use of public places.

Handicapped persons have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and all other buildings and facilities, both publicly and privately owned, which serve the public. The Department of Human Resources shall develop, print, and promote the publication ACCESS NORTH CAROLINA. It shall make copies of the publication available to the Department of Commerce for its use in Welcome Centers and other appropriate Department of Commerce offices. The Department of Economic and Community Development shall promote ACCESS NORTH CAROLINA in its publications (including providing a toll-free telephone line and an address for requesting copies of the publication) and provide technical assistance to the Department of Human Resources on travel attractions to be included in ACCESS NORTH CAROLINA. The Department of Commerce shall forward all requests for mailing ACCESS NORTH CAROLINA to the Department of Human Resources. (1973, c. 493, s. 1; 1991, c. 672, s. 4; c. 726, s. 23; 1991 (Reg. Sess., 1992), c. 959, s. 84.)

Editor's Note. — Session Laws 1991, c. 726, s. 23, effective July 16, 1991, amended Session Laws 1991, c. 672, s. 8, by changing the effective date of c. 672 from July 1, 1991 to October 1, 1991.

Effect of Amendments. — Session Laws 1991, c. 672, s. 4, as amended by Session Laws 1991, c. 726, s. 23, effective October 1, 1991, added the last four sentences.

The 1991 (Reg. Sess., 1992) amendment, effective January 1, 1993, substituted "Commerce" for "Economic and Community Development" throughout the section.

CASE NOTES

Stated in Ragan v. County of Alamance, 98 N.C. App. 636, 391 S.E.2d 825 (1990).

§ 168-4.5. (Effective October 1, 1994 — See editor's note) Penalty.

It is unlawful to disguise a dog as an assistance dog, or to deprive a visually impaired person, a hearing impaired person, or a mobility impaired person of any rights granted the person pursuant to G.S. 168-4.2 through G.S. 168-4.4, or of any rights or privileges granted the general public with respect to being accompanied by dogs, or to charge any fee for the use of the assistance dog. Violation of this section shall be a Class 3 misdemeanor. (1985, c. 514, s. 1; 1987, ch. 401, s. 3; 1993, c. 539, s. 1120; 1994, Ex. Sess., c. 24, s. 14(c).)

Editor's Note. —
Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions."

Effect of Amendments. —
The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, in the first sentence inserted "to" preceding "disguise" and in the second sentence substituted "Class 3 misdemeanor" for "misdemeanor punishable by imprisonment of not more than 10 days and a fine of not more than two hundred dollars ($200.00)".

§ 168-10. Eliminate discrimination in treatment of handicapped and disabled.

Each handicapped person shall have the same consideration as any other person for individual accident and health insurance coverage, and no insurer, solely on the basis of such person's handicap, shall deny such coverage or benefits. The availability of such insurance shall not be denied solely due to the handicap, provided, however, that no such insurer shall be prohibited from excluding by waiver or otherwise, any pre-existing conditions from such coverage, and further provided that any such insurer may charge the appropriate premiums or fees for the risk insured on the same basis and conditions as insurance issued to other persons. Nothing contained herein or in any other statute shall restrict or preclude any insurer governed by Chapter 58 of the General Statutes from setting and charging a premium or fee based upon the class or classes of risks and on sound actuarial and underwriting principles as determined by such insurer, or from applying its regular underwriting standards applicable to all classes of risks. The provisions of this section shall apply to both corporations governed by Chapter 58 of the General Statutes. (1977, c. 894, ss. 1, 2; 1991, c. 720, s. 80.)

Effect of Amendments. — The 1991 amendment, effective July 16, 1991, in the next to the last sentence, deleted "Chapter 57 or" preceding "Chapter 58," and in the last sentence, deleted "Chapter 57 and" preceding "Chapter 58."

ARTICLE 3.

Family Care Homes.

§ 168-22. Family care home; zoning and other purposes.

(a) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts of all political subdivisions. No political subdivision may require that a family care home, its owner, or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance from any such zoning ordinance or plan; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home.

(b) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by political subdivisions or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements, and for purposes of classification for insurance. (1981, c. 565, s. 1; 1993 (Reg. Sess., 1994), c. 619, s. 1.)

Effect of Amendments. — The 1993 (Reg. Sess., 1994) amendment, effective October 1, 1994 and applicable to charges or assessments imposed on or after that date, substituted the present section catchline for "Zoning; family care home"; added the subsection (a) designation; and added subsection (b).

Chapter 168A.

Handicapped Persons Protection Act.

§ 168A-1. Title.

CASE NOTES

Legislative Intent. — Both the plain language of its provisions and the legislative history surrounding the Handicapped Persons Protection Act indicate that the legislature did not intend to protect persons infected with human immunodeficiency virus (HIV) under this particular act. Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 388 S.E.2d 134 (1990).

Act Does Not Protect Asymptomatic Persons Infected with HIV. — A person who is infected with human immunodeficiency virus (HIV), but who is otherwise asymptomatic, is not entitled to protection under the provisions of the North Carolina Handicapped Protection Persons Act. Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 388 S.E.2d 134 (1990).

Plaintiff's claim was not filed within a reasonable time after the former Handicapped Persons Act right to employment statute was repealed and the new Act was enacted; since "reasonable time" cannot exceed the limitations period allowed under the new law, plaintiff had 180 days after the new Act became effective in which to sue, and plaintiff failed to file within that time period. Spaulding v. R.J. Reynolds Tobacco Co., 93 N.C. App. 770, 379 S.E.2d 49 (1989), aff'd, 326 N.C. 44, 387 S.E.2d 168 (1990).

§ 168A-2. Statement of purpose.

CASE NOTES

Stated in Buchanan v. Hunter Douglas, Inc., 87 N.C. App. 84, 359 S.E.2d 271 (1987).

Cited in Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 388 S.E.2d 134 (1990).

§ 168A-3. Definitions.

Legal Periodicals. — For note on AIDS and employment discrimination, see 23 Wake Forest L. Rev. 305 (1988).

For note, see "North Carolina's New AIDS Discrimination Protection: Who Do They Think They're Fooling?," see 12 Campbell L. Rev. 475 (1990).

For note, "Rights of HIV-Infected Employees and Job Applicants Under North Carolina Law: Lots of Legislative Activity, But Just How Much Protection Does It Afford?," see 68 N.C. L. Rev. 1193 (1990).

CASE NOTES

Lower Back Pain. — Where plaintiff experienced some pain in her lower back upon repetitive "twisting, turning, reaching, stooping, bending," her physical impairment did not limit a "major life activity" so as to bring her under the purview of subdivision (4)(i) of this section. Gravitte v. Mitsubishi Semiconductor Am., Inc., 109 N.C. App. 466, 428 S.E.2d 254, disc. rev. denied, 334 N.C. 163, 432 S.E.2d 360 (1993).

Applied in Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 388 S.E.2d 134 (1990).

§ 168A-5. Discrimination in employment; exemptions.

Legal Periodicals. — For note on AIDS and employment discrimination, see 23 Wake Forest L. Rev. 305 (1988).

CASE NOTES

Claim based on former § 168-6 was not subject to dismissal under § 1A-1, Rule 12 (b)(6), notwithstanding the repeal of § 168-6, where it was clear that the complaint was sufficient to put the defendants on notice of the events or transactions which produced the claim, and even though the General Assembly did not include a saving clause in the repeal of § 168-6, the same remedy was immediately available to the plaintiff for the same injury in the new act, without any intervening period in which the plaintiff's claim was without legal redress. It would be a grave injustice to foreclose the remedy of the plaintiff and other similarly situated persons when the General Assembly so clearly did not intend this particular cause of action to expire. Buchanan v. Hunter Douglas, Inc., 87 N.C. App. 84, 359 S.E.2d 271, cert. denied, 321 N.C. 296, 362 S.E.2d 779 (1987), decided under former § 168-6.

Applied in Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 388 S.E.2d 134 (1990).

§ 168A-7. Discrimination in public service.

CASE NOTES

Quoted in Ragan v. County of Alamance, 98 N.C. App. 636, 391 S.E.2d 825 (1990).

§ 168A-9. Affirmative defenses.

Legal Periodicals. — For note on AIDS and employment discrimination, see 23 Wake Forest L. Rev. 305 (1988).

For article, "North Carolina Employment Law After Coman: Reaffirming Basic Rights in the Workplace," see 24 Wake Forest L. Rev. 905 (1989).

§ 168A-11. Civil action.

CASE NOTES

Claim based on former § 168-6 was not subject to dismissal under § 1A-1, Rule 12 (b)(6), notwithstanding the repeal of § 168-6, where it was clear that the complaint was sufficient to put the defendants on notice of the events or transactions which produced the claim, and even though the General Assembly did not include a saving clause in the repeal of § 168-6, the same remedy was immediately available to the plaintiff for the same injury in the new act, without any intervening period in which the plaintiff's claim was without legal redress. It would be a grave injustice to foreclose the remedy of the plaintiff and other similarly situated persons when the General Assembly so clearly did not intend this particular cause of action to expire. Buchanan v. Hunter Douglas, Inc., 87 N.C. App. 84, 359 S.E.2d 271, cert. denied, 321 N.C. 296, 362 S.E.2d 779 (1987), decided under former § 168-6.

Stated in Jarrell v. Town of Topsail Beach, 105 N.C. App. 331, 412 S.E.2d 680 (1992).

STATE OF NORTH CAROLINA

DEPARTMENT OF JUSTICE

Raleigh, North Carolina

October 1, 1994

I, Michael F. Easley, Attorney General of North Carolina, do hereby certify that the foregoing 1994 Cumulative Supplement to the General Statutes of North Carolina was prepared and published by the Michie Company under the supervision of the Department of Justice of the State of North Carolina.

MICHAEL F. EASLEY

Attorney General of North Carolina

§ 168A-5. Discrimination in employment [illegible]

Legal Periodicals. — For note on AIDS and employment discrimination, see 22 Wake Forest L. Rev. 305 (1988).

CASE NOTES

[illegible] the repeal of § 168-8, where it was clear that the complaint was sufficient to put the defendants on notice of the conduct or transactions which produced the claim, and even though the General Assembly did not include a saving clause in the repeal of § 168-8, the same remedy was immediately available to the plaintiff for the same injury in the new act, without any intervening period in which the plaintiff's claim was without legal re- [illegible] unless this particular cause [illegible] to exist. Burgess v. Your House of Raleigh, Inc., 87 N.C. App. 84, 359 S.E.2d 277, cert. denied, 321 N.C. 296, 362 S.E.2d 779 (1987), decided under former § 168-8.

[illegible] in Burgess v. Your House of Raleigh, Inc., 326 N.C. 205, 388 S.E.2d 134 (1990).

§ 168A-7. Discrimination in public service.

CASE NOTES

Stated in [illegible] v. County of [illegible], 98 N.C. App. [illegible], 391 S.E.2d [illegible] (1990).

§ 168A-8. Affirmative defenses.

Legal Periodicals. — For note on AIDS and employment discrimination, see 22 Wake Forest L. Rev. 305 (1988).

For article, "North Carolina Employment Law After [illegible]: Reaffirming Basic Rights in the Workplace," see 24 Wake Forest L. Rev. [illegible] (1989).

§ 168A-11. Civil action.

CASE NOTES

Claim based on former § 168-8 was not subject to dismissal under § 1A-1, Rule 12 (b)(6), notwithstanding the repeal of § 168-8, where it was clear that the complaint was sufficient to put the defendants on notice of the conduct or transactions which produced the claim, and even though the General Assembly did not include a saving clause in the repeal of § 168-8, the same remedy was immediately available to the plaintiff for the same injury in the new act, without any intervening period in which the plaintiff's claim was without legal remedy. It would be a gross injustice to foreclose the remedy of the plaintiff and other similarly situated persons when the General Assembly obviously did not intend this particular remedy to cease to exist. Burgess v. Your House of Raleigh, Inc., 87 N.C. App. 84, 359 S.E.2d 277, cert. denied, 321 N.C. 296, 362 S.E.2d 779 (1987), decided under former § 168-8.

Stated in Jarrell v. Town of Topsail Beach, 101 N.C. App. [illegible], [illegible] S.E.2d [illegible] (1991).